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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bull. 1, Supp. 1, Dry Edible Beans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP DRY EDIBLE BEANS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1951 crop of dry edible beans. The 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.

AUTHORITY: §§ 601.801 to 601.812 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714, 7 U. S. C. Sup., 1447, 1421.

§ 601.801 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, apply to loans and purchase agreements under the 1951-Crop Dry Edible Bean Price Support Program.

§ 601.802 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements. Farm-storage loans will not be available to cooperative associations of producers.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever beans of the eligible classes are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that beans cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1952, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing eligible beans in 1951 as landowner, landlord, tenant or sharecropper.

Cooperative marketing associations of producers will be eligible for warehouse-storage loans and purchase agreements on any class of eligible beans produced by eligible producer-members: *Provided*, That (1) all beans of such class marketed or acquired by the association are produced by producer members; (2) the producer members are bound by contract to market their beans of such class through the association and the association does not release any such beans for the purpose of permitting producer members to obtain individual price support loans or purchase agreements; (3) the proceeds of the eligible beans marketed by the association are shared proportionately among the eligible producer members according to the class, grade and quantity of such beans each delivers to the association; (4) the association has authority to obtain a loan on the security of the beans and to give a lien thereon as well as authority to sell such beans.

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All determinations with respect to cooperative marketing associations of producers pursuant to this section shall be made by or under the direction of the PMA State committee.

§ 601.803 *Eligible beans.* Eligible beans must meet the following requirements:

(a) The beans must have been produced in the continental United States in 1951 by an eligible producer.

(b) Except in the case of cooperative marketing associations, the beneficial interest in the beans must be in the producer tendering the beans for loan or for delivery under a purchase agreement, and must always have been in him or in him and a former producer whom he succeeded before the beans were harvested. In the case of cooperative marketing associations, the beneficial interest in the beans must have been in the producers who delivered the beans to the association and must always have been in them or in them and former producers whom they succeeded before the beans were harvested.

(c) The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Cranberry, Red Kidney, Large Lima and Baby Lima.

(d) Beans placed under loan must (1) grade U. S. No. 2 or better, or (2) must not have been commercially cleaned; must not have a moisture content in excess of 18 percent; must not after deduction of foreign material, contain more than 10 percent of other defects, as these terms are defined in the United States Standards for Beans; must not be musty, sour, heating, hot, weevily, materially weathered, or otherwise of distinctly low quality; or must not have any commercially objectionable odor.

(e) Beans delivered under a purchase agreement must grade U. S. No. 2 or better.

(f) If offered for a farm-storage loan, beans must have been stored for at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.804 *Warehouse receipts.* Warehouse receipts, representing beans in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be issued by a warehouse approved by CCC under CCC Form 28, "Bean Storage Agreement." The receipts must be negotiable and must cover eligible beans actually in store in the warehouse.

(b) In order to be acceptable under the loan program, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the beans are insured in accordance with CCC Form 28, "Bean Storage Agreement," and if such insurance was not effective as of the date of deposit of the beans in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the beans are in the warehouse and undamaged. The insurance on commingled beans must be obtained by the warehouseman. Insurance on beans with respect to which the warehouseman does not guarantee quality, hereinafter called identity-preserved beans, must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross and net weight of beans, the class, and the grade or all grading factors used in the determination of the quality of the beans.

(d) In the case of identity-preserved beans, the warehouse receipt shall show the lot number and number of bags in the lot, and the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.809 (b).

§ 601.805 *Determination of quantity—*(a) *When loans are made on farm storage or identity-preserved beans.* (1) At the time the loan is made, the quantity of beans may be determined either by weight or, if stored in bulk, by measurement. Where the quantity is determined by measurement, 2.1 cubic feet shall constitute 100 pounds.

(2) In the case of bagged beans grading U. S. No. 2 or better, loans shall be made on the net weight of the lot or on a quantity determined by multiplying the number of bags by 100 pounds, whichever is less. In the case of other eligible beans, loans shall be made on the basis of the net weight of sound beans in the lot. Sound beans shall be beans free of dockage and other defects as defined in the United States Standards for Beans.

(3) If the beans are stored in sacks, a deduction of ¾ pound per sack shall be made from the gross weight of sacked beans, except where the net weight is shown on the warehouse receipt.

(b) *At time of delivery.* (1) The quantity of beans delivered to CCC from other than an approved warehouse, or delivered in an approved warehouse as identity-preserved beans shall be determined on the basis of net weight and bag count at the point of delivery, in accordance with § 601.812 (c).

(2) The quantity of beans delivered to CCC in an approved warehouse where the warehouseman guarantees the quality and quantity shall be the net weight of beans specified on the warehouse receipt or supplemental certificate.

§ 601.806 *Determination of quality.* (a) The class, grade and all quality factors shall be determined in accordance with the United States Standards for Beans. An inspection certificate issued by a licensed inspector is required on all farm-storage loans.

(b) Where quality is guaranteed by the warehouseman, the class and grade delivered under a warehouse-storage loan or purchase agreement shall be that shown on the warehouse receipt. In all other cases the class and grade shall be determined from a Federal or Federal-State inspection certificate, issued by or

under the supervision of the Grain Branch, PMA.

§ 601.807 *Loss or damage to the beans*—(a) *Farm storage.* The producer is responsible for any loss in quantity or quality of the beans placed under farm-storage loan, except that physical loss or damage, other than shrinkage, occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer, or on the part of the person operating or in charge of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, to the extent of the settlement value, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement of funds is made by sight draft or check, the date of the draft or check shall constitute the date of disbursement of the funds.

(b) *Warehouse storage.* (1) In the case of loss or damage to beans under loan in warehouse storage where the warehouseman guarantees the quantity and quality shown on the warehouse receipt, the producer's account will be credited in the amount of such loss or damage.

(2) In the case of warehouse stored identity-preserved beans, the producer has the same responsibility for loss or damage to the beans as in the case of farm-storage loans.

(c) *Credit for loss or damage.* The amount to be credited to the producer for loss or damage assumed by CCC, shall be determined by multiplying the number of cwt. of sound beans lost or destroyed by the support rate for U. S. No. 2 beans of the class lost or destroyed, except that if the warehouse receipt or an official inspection certificate covering the beans shows a grade of U. S. No. 2 or better, the amount credited shall be determined by multiplying the net weight of the beans lost or destroyed by the support rate for the class and grade of such beans.

§ 601.808 *Maturity of loans.* Loans mature on demand but not later than April 30, 1952.

§ 601.809 *Delivery of beans to CCC.* If the warehouse receipt represents beans not commercially cleaned and graded, the producer must arrange to resubmit warehouse receipts on cleaned, graded, and bagged beans at the time of delivery in accordance with instructions issued by the county committee. The following terms and conditions shall apply with respect to packaging and charges:

(a) *Packaging.* Beans must be packed 100 pounds net in bags equal to or better than (1) new bags made of 36-inch, 10.4 ounce A or B quality common jute or heavier weight jute, or (2) new cotton bags, 36-inch, 2.34 yards osnaburg or 40-inch 2.50 yard osnaburg. If new bags are not available, beans may be packed in No. 1 used bags made of 36-inch, 10.4 ounce A or B quality jute or heavier, free of holes, patches, or other defects, satisfactory for the proper conservation of the product, and thoroughly cleaned before being filled. Bag seams must be sufficiently strong to develop the full strength of the cloth. Bags will be marked to show the commodity name and class; and the net weight when packed; and the name and address of the packer.

(b) *Charges.* (1) Storage, bagging, cleaning, inspection fees and all other charges, including cost of movement to normal railroad shipping points where the warehouse is not located on a railroad (but not including receiving and loading-out charges), incurred on beans up to the time of delivery to CCC, shall be paid by the producer prior to such delivery or shall be paid from the settlement value: *Provided however,* That on the quantity of eligible beans stored in an approved warehouse and delivered to CCC under a loan or purchase agreement, CCC will assume warehouse-storage charges (not in excess of those allowed under the storage agreement in effect for the 1951 crop with CCC) accruing after April 30, 1952.

(2) In the case of identity-preserved beans, the producer shall pay any unpiling, turning, repiling, or other warehouse charges, except loading-out charges, incident to official weight and grade determinations.

§ 601.810 *Support rates.* (a) The loan rate for eligible beans grading U. S. No. 2 or better, and meeting the packaging requirements of § 601.809 (a), shall be the applicable support rate shown in paragraph (c) of this section, for the class, grade, and county where produced. Any charges specified in § 601.809 (b) which are unpaid shall be paid from the proceeds of the loan.

(b) The loan rate for all other eligible beans shall be $4.50 per 100 pounds of sound beans. All such beans, when and if delivered to CCC, must meet all requirements of §§ 601.806 and 601.809.

(c) The support rates per 100 pounds net weight established for dry edible beans are as follows:

Class of beans	*1951 support price* [1]
Pinto:	
Area I: All counties in Kansas, Nebraska, Oklahoma, and Texas. In Colorado the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Clear Creek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Larimer, Los Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In New Mexico, all counties except McKinley, Rio Arriba, San Juan, Taos, and Valencia. In Wyoming, the counties of Goshen, Laramie, Platte, Converse [2] and Natrona [2]	$7.20
Area II: All counties in Arizona, and California. In New Mexico, the counties of McKinley and Valencia	7.07
Pinto—Continued	
Area III: All counties in Montana and South Dakota. In Colorado, the counties of Alamosa, Archuleta, Chaffee, Costilla, Conejos, Custer, Delta, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, Lake, La Plata, Mesa, Mineral, Moffat, Montrose, Suray, Park, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, and Summit. In Wyoming, all counties [3] except Goshen, Laramie and Platte. In New Mexico, the counties of Rio Arriba, San Juan, and Taos	$6.99
Area IV: All counties in Utah. In Colorado, the counties of Dolores, Montezuma, and San Miguel	6.96
Area V: All other States and counties	6.80
Pea and Medium White:	
Michigan, New York, Minnesota, Maine, Wisconsin	7.84
Other	7.34
Great Northern:	
Area I: Minnesota, Nebraska, North Dakota. In Colorado, all counties east of 106° longitude. In Wyoming, the counties of Goshen, Laramie, Platte, Converse [2] and Natrona [2]	$7.55
Area II: Montana, South Dakota, and all counties in Wyoming [3] except Goshen, Laramie and Platte	7.33
Area III: Malheur County, Oreg., and the counties of Ada, Bannock, Bear Lake, Bingham, Boise, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Payette, Power, and Twin Falls in Idaho	7.18
Area IV: All other States and counties	7.08
Small White and Flat Small White	7.89
Light, Dark and Western Red Kidney	9.19
Cranberry	8.54
Pink	7.99
Small Red	8.04
Baby Lima	6.44
Large Lima	10.04

[1] Per 100 pounds of U. S. No. 1. Premium for U. S. CHP and U. S. Extra No. 1, $0.10. Discount for U. S. No. 2, $0.25.

[2] Applicable to beans produced in Converse and Natrona Counties if they have been transported to Goshen County by truck.

Grades will be determined in accordance with the official U. S. Standards for Dry Beans in effect at the time the 1951 crop is harvested.

[3] Beans produced in Converse and Natrona Counties unless they have been transported to Goshen County by truck.

§ 601.811 *Storage in transit.* (a) Reimbursement will be made by CCC to producers or warehousemen for paid-in rail freight (including freight tax) on beans stored in approved warehouses, subject to the following conditions:

(1) The movement from point of origin to storage point must be an "in-line" movement as determined by CCC.

(2) The freight must have been paid in by the person claiming reimbursement and he must not have been otherwise reimbursed.

(3) The warehouseman must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in the Bean Storage Agreement in effect with CCC for the 1951 crop.

(4) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of the Bean Storage Agreement in effect with CCC.

(5) Not more than one transit stop must have been used on the billing.

(6) The freight bills must be otherwise acceptable to CCC under the terms of the storage agreement.

(b) Reimbursement for paid-in freight under this section will be made by the appropriate PMA commodity office subsequent to actual delivery of the beans to CCC pursuant to a loan or purchase agreement.

§ 601.812 *Settlement under farm-storage loans, warehouse-storage loans on identity-preserved beans and under purchase agreements.* Settlement will be made at the support rate for the county in which the beans are produced irrespective of where they are stored or delivered.

(a) *Loans.* In the case of farm-storage loans and warehouse-storage loans on identity preserved beans, settlement shall be made at the applicable support rate for the class and grade of the beans delivered.

(b) *Purchase agreements.* Under purchase agreements, beans will be purchased at the applicable support rate for the class and grade of the eligible beans delivered.

(c) *Quantity on which settlement will be made.* (1) Settlement will be made on the basis of each bag containing 100 pounds net weight of beans. The producer will be paid or credited for the net weight of the lot delivered or for a quantity determined by multiplying the number of bags by 100 pounds, whichever quantity is less. If all the beans in the lot are not weighed, the net weight shall be determined by multiplying the average net weight of not less than 10 percent of the bags in the lot by the total number of bags.

(2) If the beans are of a grade for which no support rate has been established, the settlement value shall be the settlement rate established for the grade placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade placed under loan and the market price of the beans delivered as determined by CCC: *Provided, however,* That if such beans, when placed under loan, were not of a grade for which a support rate has been established, the settlement value shall be the settlement value for the lowest grade for which a support rate has been established, less the difference, if any, at the time of delivery, between the market price for such grade and the market price of the beans delivered, as determined by CCC.

Issued this 23d day of July 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved: July 23, 1951.

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-8630; Filed, July 26, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 931—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

ORDER REGULATING HANDLING

AUTHORITY: §§ 931.0 to 931.91 issued under sec. 5, 49 Stat., 753, as amended; 7 U. S. C. and Sup. 608c.

§ 931.0 *Findings and determinations.*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order to regulate the handling of milk in the Cedar Rapids-Iowa City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment monthly by each handler, as his pro rata share of such expenses, four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, with respect to all milk received by him during the month from producers (including such handler's own production) and with respect to other source milk received by him during such month which is classified as Class I.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order, which is marketed within the Cedar Rapids-Iowa City marketing area) refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Cedar Rapids-

Iowa City marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreements tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this subpart is the only practicable means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Cedar Rapids-Iowa City marketing area; and

(3) The issuance of this subpart is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1951) were engaged in the production of milk for sale in the Cedar-Rapids-Iowa City marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cedar Rapids-Iowa City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order.

DEFINITIONS

§ 931.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 931.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 931.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 931.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 931.5 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this subpart is in effect.

§ 931.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) is qualified under the provisions of the act of Congress of February 11, 1922, as amended, known as the "Capper-Volstead Act"; (b) has full authority in the sale of milk of its members, and (c) is engaged in making collective sales of or marketing milk or its products for its members.

§ 931.7 *Cedar Rapids-Iowa City marketing area.* "Cedar Rapids-Iowa City marketing area," called the "marketing area" in this subpart, means all the territory within the corporate limits of the cities of Cedar Rapids and Iowa City, both in the State of Iowa.

§ 931.8 *Approved plant.* "Approved plant" means a milk processing plant approved by, and under regular inspection of, the proper health authority of either Cedar Rapids or Iowa City and (a) from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (b) which furnishes milk to a plant described in paragraph (a) of this section.

§ 931.9 *Handler.* "Handler" means (a) a person in his capacity as the operator of an approved plant, or (b) a cooperative association with respect to milk of producers received at a plant operated by it or caused by it to be delivered to a milk plant other than an approved plant.

§ 931.10 *Producer.* "Producer" means any person who, in conformity with the requirements of the health authorities of the city of Cedar Rapids or Iowa City for the production of milk for consumption as milk, produces milk which (a) is received at an approved plant, (b) is received at a plant operated by a cooperative association, or (c) is caused by a handler to be diverted from a plant described in paragraphs (a) and (b) of this section to a plant from which no Class I milk is disposed of within the marketing area. Milk so diverted shall be deemed to have been received by the handler who caused it to be so diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this subpart pursuant to § 931.56.

§ 931.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided,* That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 931.12 *Producer milk.* "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

§ 931.13 *Other source milk.* "Other source milk" means all skim milk and butterfat except that contained in producer milk.

MARKET ADMINISTRATOR

§ 931.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 931.21 *Powers.* The market administrator shall have power to:

(a) Administer the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 931.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 931.75, the cost of his bond and the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 931.76, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Publicly announce unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 931.30 and 931.31, or (2) payments pursuant to §§ 931.65, 931.68, and 931.70;

(h) Audit each handler's records and payments by inspection of such handler's records and the records of any person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the utilization of the milk caused to be delivered to each handler by such cooperative association. For this purpose such milk shall be prorated to each class in the same proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each delivery period, (i) the minimum price for Class I milk computed pursuant to § 931.50 (a) and the butterfat differential computed pursuant to § 931.51 (a), both for the current delivery period, and (ii) the minimum prices for Class II milk and Class III milk computed pur-

suant to § 931.50 (b) and (c) and the butterfat differentials computed pursuant to § 931.51 (b) and (c) for the previous delivery period, and

(2) On or before the 10th day after the end of each delivery period, the uniform price computed pursuant to § 931.61 and the butterfat differential computed pursuant to § 931.66; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 931.30 *Delivery period reports.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on the forms prescribed by the market administrator:

(a) The qualities of butterfat and skim milk in milk received from producers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from any other handler;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all receipts required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 931.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 20th day of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show:

(1) The total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk;

(2) The amount of payment to each producer and cooperative association; and

(3) The nature and amount of any deductions involved in such payments.

§ 931.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payment to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each delivery period.

§ 931.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 931.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat in any form received by a handler during the delivery period and required to be reported pursuant to § 931.30 shall be classified by the market administrator pursuant to §§ 931.41 to 931.46, inclusive.

§ 931.41 *Classes of utilization.* Subject to the conditions set forth in §§ 931.43 and 931.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream or any mixture (except those specified in paragraph (b) of this section) of cream and milk or skim milk containing more than 6 percent of butterfat, (2) used in the production of concentrated milk, not sterilized, for consumption in fluid form, and (3) not specifically accounted for under paragraphs (b) and (c) of this section.

(b) Class II milk shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream, ice cream mix, aerated products containing milk or cream or a combination thereof (such as "Reddi-Wip," "Instant Whip," etc.), cottage cheese, and any milk product other than those specified in paragraphs (a) and (c) of this section.

(c) Class III milk shall be all skim milk and butterfat used to produce butter, American type cheddar cheese, animal feed, casein and nonfat dry milk solids, and in shrinkage up to 2 percent of receipts from producers, and in shrinkage of other source milk.

§ 931.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler.

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat received from producers and from other sources.

§ 931.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 931.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to another handler, except a producer-handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided,* That, if either or both handlers have received other source milk, the milk so transferred shall be classified at both plants so as to return the highest class utilization to producer milk.

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a plant other than an approved plant, unless:

(1) The handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and purchaser on or before the 7th day after the end of the delivery period within which such transfer or diversion occurred;

(2) Such purchaser maintains books and records showing the utilization of all skim milk and butterfat at his unapproved plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) Such unapproved plant has actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That, if verification of such purchaser's records discloses that an equivalent amount of skim milk and butterfat has not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher priced classification in which such purchaser had utilization.

§ 931.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 931.46 *Allocation of skim milk and butterfat classified.* After computing pursuant to § 931.45 the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk allocated to shrinkage of producer milk;

(2) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use, the pounds of skim milk contained in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 931.45;

(4) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 931.50 *Class prices.* Subject to the provisions of § 931.51, the minimum prices per hundredweight to be paid by each handler for milk received from producers at his plant during the delivery period shall be as follows:

(a) *Class I milk.* The price for Class II milk for the previous delivery period plus the following premiums during the delivery periods indicated:

January, February, March	$0.80
April, May, June	.60
July through December	1.05

(b) *Class II milk.* The highest of the prices resulting from the computations made pursuant to subparagraphs (1) and (2) of this paragraph or to paragraph (c) of this section:

(1) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the following plants for which prices have been reported to the market administrator or to the Department:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Morrison, Ill.
United Milk Products Co., Argo Fay, Ill.

(2) The price resulting from the following computations:

(i) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter as reported for the Chicago market during the delivery period by the Department;

(ii) Add an amount equal to 2.4 times the average as computed by the market administrator, of the daily wholesale prices of the cheese known as "Twins" as reported for the Chicago market during the delivery period by the Department;

(iii) Divide the resulting sum by 7;

(iv) Add 30 percent thereof; and

(v) Multiply the resulting sum by 3.5.

(c) *Class III milk.* The sum of the prices resulting from the following computations:

(1) Subtract 6 cents from the price per pound of butter computed pursuant to paragraph (b) (2) (i) of this section and multiply the result by 4.2, and

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the month by the Department, subtract 6½ cents, multiply the result by 8.2 and then multiply the resulting figure by 0.965. If the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the midpoint between the simple averages (using in each price series the midpoint of any price range as one price) as computed by the market administrator, of the weekly Chicago wholesale carlot prices per pound of nonfat dry milk solids in barrels for human consumption, spray and roller process, respectively, as reported within the month by the Department and 8½ cents, rather than 6½ cents, shall be deducted in making this computation.

§ 931.51 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 931.46 is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to § 931.50 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount equal to the applicable butterfat differential computed as follows:

(a) *Class I milk.* Multiply by 1.40 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the preceding delivery period and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period and divide the result by 10.

(c) *Class III milk.* From the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the devilery period, subtract 6 cents, multiply by 1.20 and divide the result by 10.

§ 931.52 *Emergency price provision.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency, in connection with the milk or product associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 931.55 *Producer-handler.* Sections 931.40 through 931.52 and 931.60 through 931.76 shall not apply to a producer-handler.

§ 931.56 *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines, disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay, under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICES

§ 931.60 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed by the market administrator

by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage by the applicable class prices.

§ 931.61 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 931.60 for all handlers who made the reports prescribed by § 931.30 and who made the payments pursuant to § 931.65 for the preceding delivery period;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 931.67.

(c) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by: Multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 931.66 and mutiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat content received from producers.

§ 931.62 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing:

(a) The classification and value of the milk received from producers by such handler.

(b) The applicable class prices and the uniform price; and

(c) The amount due such handler or the amount to be paid by such handler as the case may be pursuant to §§ 931.68 and 931.69.

PAYMENT FOR MILK

§ 931.65 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received to each producer for milk, except that for which payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 931.61 subject to the butterfat differential computed pursuant to § 931.66.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk caused to be delivered to such handler from producers by the cooperative association, if the cooperative association is authorized to collect payment for such milk and if it so requests, an amount equal to not less than the sum of the individual payments otherwise payable to such producers.

§ 931.66 *Producer butterfat differential.* In making payments pursuant to § 931.65 there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from producers is above or below 3.5 percent, an amount computed by multiplying by 1.20 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period, dividing the resulting sum by 10, and adjusting to the nearest one-tenth cent.

§ 931.67 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to § 931.68 and out of which he shall make all payments to handlers pursuant to § 931.69.

§ 931.68 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of the milk received by such handler from producers during such delivery period is greater than the amount required to be paid producers by such handler pursuant to § 931.65.

§ 931.69 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of the milk received by such handler from producers during the delivery period is less than the amount required to be paid producers by such handler pursuant to § 931.65: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly the payments to all handlers and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of § 931.65 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 931.70 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred.

§ 931.71 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period(s) during which the milk with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator all books and records required by this subpart to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the delivery period during which all such books and records pertaining to such obligations are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month, during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed unless the handler, within the applicable period of time, pursuant to section 8c (15) (A) of the act, files a petition claiming such money.

OTHER PAYMENTS

§ 931.75 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 12th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including such handler's own production) and with respect to all other source milk classified as Class I.

§ 931.76 *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler, in making payments to producers (other than himself) pursuant to § 931.65 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights of, sample, and test milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 12th day after the end of such delivery period pay such deductions to the cooperative association rendering such services.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 931.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 931.81 *Suspension or termination.* The Secretary shall, whenever he finds that, this subpart, or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provisions of this subpart.

§ 931.82 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 931.83 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the liquidating agent shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 931.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 931.91 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 24th day of July 1951, to be effective on and after the 1st day of September 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8675; Filed, July 26, 1951; 8:53 a. m.]

PART 934—MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

PART 996—MILK IN SPRINGFIELD, MASS., MARKETING AREA

PART 999—MILK IN WORCESTER, MASS., MARKETING AREA

DETERMINATION OF EQUIVALENT WAGE RATES

The monthly composite farm wage rates reported by the United States Department of Agriculture for Maine, Massachusetts, New Hampshire, and Vermont are used pursuant to § 934.40 (c) (2) of the order regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area; § 996.7 (a) (3) (ii) of the order regulating the handling of milk in the Springfield, Massachusetts, marketing area; and § 999.7 (a) (3) (ii) of the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. The publication of these specified wage rates has been discontinued by the United States Department of Agriculture.

The respective orders provide that if a wage rate, specified by those orders for use in computing class prices, is not reported or published in the manner described in the respective orders, the market administrator shall use a wage rate determined by the Secretary to be equivalent to or comparable with the wage rate which is specified (§§ 934.44, 996.7 (e), and 999.7 (e) of the respective orders).

Pursuant to the applicable provisions of the respective orders and on the basis of available information, including evidence presented at the public hearings held at Andover, Massachusetts, April 11 and 14, 1951, at Springfield, Massachusetts, April 9, 1951, and at Worcester, Massachusetts, April 10, 1951, on issues which included the consideration of a method for determining equivalent wage rates in any circumstance in which the specified wage rates are not reported, it is hereby found and determined that the wage rates equivalent to or comparable with the monthly composite farm wage rates for each of the States of Maine, Massachusetts, New Hampshire, and Vermont shall be determined as follows:

Divide by 1.0743 the simple average of the monthly equivalents of the farm wage rates listed below. Monthly equivalents shall be determined by converting the rates reported by the United States Department of Agriculture as follows: rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and rate per day without board or room, 26.

In accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), it is hereby found and determined that notice and public procedure with respect to this determination, and the postponement of the effective date of this determination until 30 days after publication thereof in the FEDERAL REGISTER, are impracticable, unnecessary, and contrary to public interest in that (1) the equivalent wage rate must become effective prior to July 25, 1951, in order to facilitate, promote, and maintain orderly marketing of milk for the Lowell-Lawrence, Springfield, and the Worcester, Massachusetts, marketing areas, (2) the changes effected by this determination do not require any preparation by the persons affected prior to the effective date, and (3) the aforesaid public hearings at Andover, Springfield, and Worcester, Massachusetts, dealt with such issues.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 23d day of July 1951, to become effective July 25, 1951, and to continue in effect until October 1, 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8676; Filed, July 23, 1951; 8:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 115—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

TEMPORARY ADMISSION OF AGRICULTURAL WORKERS

Chapter I, Title 8 of the Code of Federal Regulations, is amended by adding the following new part:

SUBPART A—SUBSTANTIVE PROVISIONS

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

AUTHORITY: §§ 115.1 to 115.16 issued under sec. 23, 39 Stat. 892, as amended, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply Pub. Law 78, 82d Cong.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 115.1 *Definitions.* As used in this part:

(a) The term "agricultural worker" means a native-born citizen of Mexico who is and has been a bona-fide resident of Mexico for at least one year and who seeks to enter the United States temporarily under the provisions of Title V of the Agricultural Act of 1949, as amended (63 Stat. 1051, Pub. Law 78, 82d Cong.), for the sole purpose of engaging in agricultural employment as defined herein; or a native-born citizen of Mexico who has resided in the United States continuously for at least five years immediately preceding his application or who is in the United States temporarily after having been lawfully admitted thereto, and, being in a lawful status, seeks permission to remain in the United States for such purpose; or a native-born citizen of Mexico who, after being so admitted or permitted to remain, is engaged in such employment.

(b) The term "agricultural employment" includes services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 29 U. S. C. 203 (f)), or section 1426 (h) of the Internal Revenue Code, as amended (26 U. S. C. 1426 (h)), horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products.

(c) The term "employer" shall include an association, or other group, of employers, but only if (1) those of its members for whom workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it pursuant to section 502 of the Agricultural Act of 1949, as amended, or (2) the Secretary of Labor determines that such individual liability is not necessary to assure performance of such obligations.

§ 115.2 *Period for which admitted.* An agricultural worker may be admitted to, or permitted to remain in, the United States as a temporary visitor for business pursuant to section 3 (2) of the Immigration Act of 1924: *Provided:*

(a) That the initial period of admission shall not exceed six months, and in any event shall not extend beyond December 31, 1953, nor shall any extension be granted which would permit an agricultural worker to remain in the United States beyond December 31, 1953;

(b) That no maintenance-of-status or departure bond shall be required; and

(c) That the period of temporary admission shall be subject to immediate revocation, without notice, by the officer in charge of the district having jurisdiction over the place of the alien's employment upon—

(1) Failure of the agricultural worker to maintain his status as such by accepting any employment or engaging in any activities not specifically authorized at the time of his recruitment and temporary admission;

(2) Violation by the employer of the provisions of § 115.4; or

(3) Determination and notification by the Secretary of Labor that sufficient domestic workers who are able, willing, and qualified are available at the time and place needed to perform the work for which such workers are employed, or that the employment of such workers is adversely affecting the wages and working conditions of domestic agricultural workers similarly employed, or that reasonable efforts have not been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

§ 115.3 *Conditions of admission.* Any alien who applies for admission into, or for permission to remain in, the United States under the provisions of Title V of the Agricultural Act of 1949, as amended, and the provisions of this part, must:

(a) Establish that he is an agricultural worker as defined in § 115.1 (a);

(b) Establish that he is in all respects admissible under the provisions of the immigration laws, except—

(1) The provisions of section 3 of the Immigration Act of February 5, 1917, as amended, relating to contract laborers, literacy, and payment of passage by others; and

(2) The requirement of section 2 of the Immigration Act of February 5, 1917, relative to the payment of head tax;

(c) Have been regularly recruited by the Secretary of Labor as an agricultural worker; and

(d) Establish to the satisfaction of the examining immigration officer that, if admitted, he will comply with all of the conditions of such admission.

§ 115.4 *Compliance by employer.* (a) No agricultural workers shall be made available to, nor shall any such workers made available be permitted to remain in the employ of, any employer who has in his employ any Mexican alien when such employer knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States. Whenever it shall appear that a Mexican alien not lawfully in the United States is so employed, an investigation shall be made and a report submitted to the officer in charge of the district having jurisdiction over the place of the alien's employment, who shall make the determination whether the employer knew, had reasonable grounds to believe or suspect, or by reasonable inquiry could have ascertained, the alien's unlawful status. Upon making such determination said officer in charge shall take such action as may be appropriate with respect to the agricultural workers employed, permitting them to continue in their employment, or permitting them to be recontracted by another employer, or requiring them to depart from the United States.

(b) Upon notification from the Department of Labor that an employer fails or refuses to comply with the provision of Title V of the Agricultural Act of 1949, as amended, or with any international agreement or individual work contract made thereunder, the temporary admission of all agricultural workers employed by such employer may be revoked in the same manner as provided in § 115.2 (c).

§ 115.5 *Extension of stay; conditions.* After an alien has been admitted to or permitted to remain in the United States as an agricultural worker under the provisions of this part, he may be granted an extension or extensions of the period of his temporary admission by the officer in charge of the district having jurisdiction over the place of the alien's employment, subject to the same limitations as are placed on original admission by § 115.2.

§ 115.6 *Readmission after temporary visits to Mexico.* An agricultural worker who has been admitted or permitted to remain in the United States under the provisions of this part may be readmitted after temporary visits to Mexico on presentation of Form I–100, Alien Laborer's Permit and Identification Card, if he is still maintaining the status of an agricultural worker in the United States.

§ 115.7 *Previous deportation; permission to reapply.* An alien who established that he is in all respects entitled to admission as an agricultural worker under the provisions of this part, except that he has been previously excluded or arrested and deported on not more than one occasion solely because of illegal entry or absence of required documents, is hereby granted permission to reapply for admission to the United States: *Provided,* That in the case of such an alien who has been arrested and deported, such permission to reapply shall not become effective unless and until the alien has resided outside the United States for at least one year after deportation.

§ 115.8 *Arrest and deportation of agricultural workers.* (a) An alien admitted to or permitted to remain in the United States as an agricultural worker shall be deemed to have remained in the United States for a longer time than permitted under law and regulations within

the meaning of section 14 of the Immigration Act of 1924 if:

(1) He remains in the United States after the expiration of the time for which he was temporarily admitted or permitted to remain or the expiration of any authorized extension of such period; or

(2) He violates or fails to fulfill any of the other conditions of his admission to or extended stay in the United States; or

(3) He evidences orally or in writing or by conduct an intention to violate or to fail to fulfill any of the conditions of his temporary admission to or extended stay in the United States; or

(4) He remains in the United States after the period of his temporary admission or extended stay is revoked pursuant to § 115.2 (c).

(b) Any alien to whom paragraph (a) of this section is applicable shall be subject to being taken into custody and made the subject of further proceedings under the provisions of section 14 of the Immigration Act of 1924 and the provisions of Parts 150, 151, and 152 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NON-SUBSTANTIVE PROVISIONS

§ 115.11 *Recruitment centers; preliminary inspection.* To the extent possible under the circumstances, all immigration inspections and medical examinations of the agricultural workers at recruitment centers in Mexico shall be similar to those regularly conducted at ports of entry on the border. If the immigration officer at the recruitment center in Mexico determines that the alien is admissible as an agricultural worker he shall so endorse and initial the conditional permit which is issued to the alien by the Department of Labor when the alien is recruited. Such endorsement shall not be construed as a guarantee that the alien will be admitted to the United States nor shall the alien be entitled to accept employment in the United States unless and until he has been issued Form I–100 as prescribed in § 115.12. Aliens who have been issued conditional permits, which have been endorsed by immigration officers will be conveyed directly from the recruitment center to a reception center at or near a port of entry under the supervision of officers of the Department of Labor for completion of immigration inspection and registration pursuant to the Alien Registration Act, 1940, as amended. The conveyance of an agricultural worker to a reception center shall not constitute an admission to the United States. Such alien shall be considered to have been admitted to the United States only after he has been inspected and issued Form I–100 as prescribed in § 115.12. If the immigration officer at the recruitment center in Mexico determines that the alien is inadmissible as an agricultural worker, he shall refuse to endorse the alien's conditional permit and such decision by the immigration officer shall not be subject to review by a board of special inquiry.

§ 115.12 *Immigration inspection at reception centers; authority to admit; hearings before board of special inquiry.* (a) Any alien who presents the conditional permit described in § 115.11, duly endorsed by an immigration officer at a recruitment center, who is found to be admissible under this part as an agricultural worker may be so admitted by the examining immigration inspector, at which time he shall—

(1) Be fingerprinted as follows:

(i) By placing the rolled impression of the right index finger on the reverse side of the original Form I–100, Alien Laborer's Permit and Identification Card, which shall be prepared in duplicate in each such case;

(ii) By placing complete fingerprints of both hands on one copy of Form AR–4; and

(iii) By executing the obverse of Form AR–4 and placing thereon the serial number of the Form I–100 and a stamped notation reading "Admitted as agricultural worker"; the executed form shall be mailed direct to the Federal Bureau of Investigation, Washington 25, D. C.

(2) Be given the original Form I–100 bearing his photograph and stating his name, place of birth and citizenship, duly endorsed by an immigrant inspector to show the date, place, and period of his admission into the United States and signed by said immigrant inspector across the bottom of the photograph, partly on the photograph and partly on the card. The duplicate Form I–100 shall be forwarded to and retained by the officer in charge of the district having jurisdiction over the port of the alien's entry.

(3) The foregoing shall be deemed to be in compliance with the provisions of Title III of the Alien Registration Act, 1940, as amended, relating to the registration of aliens.

(b) Any alien seeking admission under this part in whose case the examining immigrant inspector at the reception center is not satisfied that such alien is admissible, shall be held for hearing before a board of special inquiry, and the procedure applicable to aliens seeking admission to the United States under the general provision of the immigration laws shall be followed: *Provided, however,* That the case of an alien believed to be inadmissible to the United States under the provisions of section 1 of the act of October 16, 1918, as amended, shall be handled in accordance with the provisions of section 5 of the said act and Part 174 of this chapter.

§ 115.13 *Adjustment of status of certain agricultural workers in the United States.* The case of any alien who presents at a reception center a conditional permit described in § 115.11 who is found to be eligible to remain in the United States as an agricultural worker, who has been lawfully admitted to the United States, or who has resided in the United States for at least five years, shall be handled in accordance with the provisions of § 115.12 (a). Such an alien who is found to be ineligible to remain in the United States as an agricultural worker shall not be held for hearing before a board of special inquiry, but his case shall be handled under the general provisions of the immigration laws and regulations relating to aliens in the United States.

§ 115.14 *Recontracting in the United States.* During the period for which he is admitted, or any authorized extension thereof, an agricultural worker may, with the approval of the officer in charge of the district having jurisdiction over the place of the alien's employment, be recontracted by the same or another employer. When an agricultural worker is so recontracted, his Form I–100 shall be appropriately endorsed and the officer in charge of the port of the alien's entry notified.

§ 115.15 *Extension of period of admission.* Extension of the temporary admission of an alien admitted or permitted to remain in the United States as an agricultural worker under this part may be granted by the officer in charge of the district having jurisdiction over the place of the alien's employment only upon determination and certification by the Secretary of Labor that:

(a) Sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed;

(b) The employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and

(c) Reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

§ 115.16 *Duplicate identification cards.* A duplicate Form I–100 may be issued in the discretion of the officer in charge of the district having jurisdiction over the place of alien's employment where the original has been lost, mutilated, or destroyed. The officer in charge at the port of the alien's entry shall be notified of the issuance of such a duplicate Form I–100.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The regulations prescribed by the order are necessary to carry out the purpose of Public Law 78, 82d Congress, which became effective on July 12, 1951. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable and contrary to public interest in this instance, since such compliance would unduly delay and impede the administration and enforcement of the immigration laws.

BENJAMIN G. HABBERTON,
Acting Commissioner of Immigration and Naturalization.

Approved: July 23, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51–8632; Filed, July 26, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 13]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

STANDARD INSTRUMENT APPROACH PROCEDURES

The following rules are adopted for the purpose of recodifying all standard instrument approach procedures which have been published in the FEDERAL REGISTER and are in effect:

1. Section 41.119–1 is adopted to read:

§ 41.119–1 *Standard instrument approach procedures (CAA rules which relate to § 42.56).* Standard instrument approach procedures prescribed by the Administrator are published in Part 609 of this title.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–8639; Filed, July 26, 1951; 8:47 a. m.]

[Supp. 1, Amdt. 1]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

The following rules are adopted for the purpose of recodifying all standard instrument approach procedures which have been published in the FEDERAL REGISTER and are in effect:

1. Section 42.55–1 published on November 16, 1949, in 14 F. R. 6875, and renumbered § 42.55–3 in 14 CFR, 1950 Supp., is deleted.

2. Section 42.56–1 published on November 16, 1949, in 14 F. R. 6875, is amended to read:

§ 42.56–1 *Standard instrument approach procedures (CAA rules which relate to § 42.56).* Standard instrument approach procedures prescribed by the Administrator are published in Part 609 of this title.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–8640; Filed, July 26, 1951; 8:48 a. m.]

[Supp. 2, Amdt. 14]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The following rules are adopted for the purpose of recodifying all minimum en route instrument altitudes which have been published in the FEDERAL REGISTER and are in effect:

1. Sections 60.17–1 through 60.17–1004, published on October 29, 1949, in 14 F. R. 6427, and amended on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461), on March 16, 1950, in 15 F. R. 1482 (corrected March 21, 1950, in 15 F. R. 1565), on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3252, on August 1, 1950, in 15 F. R. 4913, on July 29, 1950, in 15 F. R. 4888, on September 23, 1950, in 15 F. R. 6438, on November 23, 1950, in 15 F. R. 7975, on January 25, 1951, in 16 F. R. 673, on February 9, 1951, in 16 F. R. 1232, on February 21, 1951, in 16 F. R. 2720 (corrected March 9, 1951, in 16 F. R. 2132), on May 1, 1951, in 16 F. R. 3691, on June 13, 1951, in 16 F. R. 5614, and on June 29, 1951, in 16 F. R. 6274, are revoked. The provisions thereof are transferred to new Part 610 of this title.

2. Section 60.17–1 is adopted to read:

§ 60.17–1 *Minimum en route instrument altitudes (CAA rules which apply to § 60.17 (d)).* Minimum en route instrument altitudes prescribed by the Administrator are published in Part 610 of this title.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–8641; Filed, July 26, 1951; 8:48 a. m.]

[Supp. 3, Amdt. 10]

PART 60—AIR TRAFFIC RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

The following rules are adopted for the purpose of recodifying all standard instrument approach procedures which have been published in the FEDERAL REGISTER and are in effect:

1. Sections 60.46–1 through 60.46–10, published on November 16, 1949, in 14 F. R. 6875, and amended on December 14, 1949, in 14 F. R. 7471, on December 30, 1949, in 14 F. R. 7834, on January 1950, in 15 F. R. 318, on November 10, 1950, in 15 F. R. 7548 and 7627, on December 12, 1950, in 15 F. R. 8766, on December 23, 1950, in 15 F. R. 9232, on December 29, 1950, in 15 F. R. 9378, on January 9, 1951, in 16 F. R. 225, on January 19, 1951, in 16 F. R. 496, on February 1, 1951, in 16 F. R. 926, on March 7, 1951, in 16 F. R. 2122, on April 6, 1951, in 16 F. R. 3002, and on June 8, 1951, in 16 F. R. 5434, are revoked. The provisions thereof are transferred to new Part 609 of this title.

2. Section 60.46–1 is adopted to read:

§ 60.46–1 *Standard instrument approach procedures (CAA rules which apply to § 60.46).* Standard instrument approach procedures prescribed by the Administrator are published in Part 609 of this title.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–8642; Filed, July 26, 1951; 8:48 a. m.]

[Supp. 7, Amdt. 78]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

The Camp Gorden, Georgia, area, published on January 3, 1951, in 16 F. R. 4, is amended by changing the "Designated Altitudes" column to read: "Unlimited", and by changing the "Time of Designation" column to read: "Continuous."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 28, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–8654; Filed, July 26, 1951; 8:48 a. m.]

[Supp. 3, Amdt. 1]

PART 61—SCHEDULED AIR CARRIER RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

The following rules are adopted for the purpose of recodifying all standard instrument approach procedures which have been published in the FEDERAL REGISTER and are in effect:

1. Section 61.273–1, published on November 16, 1949, in 14 F. R. 6943, is revised to read:

§ 61.273–1 *Standard instrument approach procedures (CAA rules which re-*

late to § 61.273). Standard instrument approach procedures prescribed by the Administrator are published in Part 609 of this title.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8643; Filed, July 26, 1951; 8:48 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

The following part is adopted for the purpose of recodifying all standard instrument approach procedures which have been published in the FEDERAL REGISTER and are in effect.

Sec.
609.1 Definitions.
609.2 Basis and purpose.
609.3 Introduction.
609.4 Symbols used in ceiling and visibility minimums.
609.5 Radio range procedures determination.
609.6 Low frequency range procedures.
609.7 High frequency range procedures.
609.8 Automatic direction finding procedures determination.
609.9 Automatic direction finding procedures.
609.10 Instrument landing system procedures determination.
609.11 Instrument landing system procedures.
609.12 Ground controlled approach procedures determination.

AUTHORITY: §§ 609.1 to 609.12 issued under sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

1. Section 609.1 shall read:

§ 609.1 *Definitions.* As used in this part:

(a) "Act" shall mean Civil Aeronautics Act of 1938, as amended.

(b) "Administrator" shall mean Administrator of Civil Aeronautics.

2. Section 609.2 shall read:

§ 609.2 *Basis and purpose.* (a) The basis of this part is found in sections 205 (a) and 601 of the act and §§ 42.56, 60.46, and 61.273 of this title.

(b) The purpose of this part is to prescribe standard instrument approach procedures.

3. Section 609.3 shall consist of § 60.46–1 published on November 16, 1949, in 14 F. R. 6875.

4. Section 609.4 shall consist of § 60.46–2 published on December 23, 1950, in 15 F. R. 9232.

5. Section 609.5 shall consist of § 60.46–3 published on January 19, 1951, in 16 F. R. 496, with "§ 609.6 and § 609.7" substituted for "§§ 60.46–4 and 60.46–5."

6. Section 609.6 shall consist of § 60.46–4 published on November 16, 1949, in 14 F. R. 6876, and amended on December 14, 1949, in 14 F. R. 7471, on December 30, 1949, in 14 F. R. 7834, on January 19, 1950, in 15 F. R. 318, on November 10, 1950, in 15 F. R. 7548 and 7627, on December 12, 1950, in 15 F. R. 8766, on December 29, 1950, in 15 F. R. 9378, on January 9, 1951, in 16 F. R. 225, on February 1, 1951, in 16 F. R. 926, on March 7, 1951, in 16 F. R. 2122, on April 6, 1951, in 16 F. R. 3002, and on June 8, 1951, in 16 F. R. 5435.

7. Section 609.7 shall consist of § 60.46–5 published on November 16, 1949, in 14 F. R. 6922, and amended on December 14, 1949, in 14 F. R. 7476, and on November 10, 1950, in 15 F. R. 7597.

8. Section 609.8 shall consist of § 60.46–6 published on January 19, 1951, in 16 F. R. 498.

9. Section 609.9 shall consist of § 60.46–7 published on November 16, 1949, in 14 F. R. 6924, and amended on December 14, 1949, in 14 F. R. 7477, on November 10, 1950, in 15 F. R. 7600 and 7633, on December 12, 1950, in 15 F. R. 8768, on December 29, 1950, in 15 F. R. 9383, on January 9, 1951, in 16 F. R. 226, on February 1, 1951, in 16 F. R. 931, on April 6, 1951, in 16 F. R. 3003, and on June 8, 1951, in 16 F. R. 5438.

10. Section 609.10 shall consist of § 60.46–8 published on December 23, 1950, in 15 F. R. 9233, with "§ 609.5 (b)" substituted for "§ 60.46–3 (b)" and "§ 609.11" substituted for "§ 60.46–9."

11. Section 609.11 shall consist of § 60.46–9 published on November 16, 1949, in 14 F. R. 6933, and amended on December 14, 1949, in 14 F. R. 7478, on January 19, 1950, in 15 F. R. 319, on November 10, 1950, in 15 F. R. 7613, on December 12, 1950, in 15 F. R. 8770, on December 29, 1950, in 15 F. R. 9383, on January 9, 1951, in 16 F. R. 227, on March 7, 1951, in 16 F. R. 2123, and on June 8, 1951, in 16 F. R. 5441.

12. Section 609.12 shall consist of § 60.46–10 published on December 23, 1950, in 15 F. R. 9234, with "§ 609.5" substituted for "§ 60.46–3" and "§ 609.13" substituted for "§ 60.46–11."

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8644; Filed, July 26, 1951; 8:48 a. m.]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The following part is adopted for the purpose of recodifying all minimum en route instrument altitudes which have been published in the FEDERAL REGISTER and are in effect:

Sec.
610.1 Definitions.
610.2 Areas.
610.3 Routes.
610.11–610.18 Green Civil Airway No. 1–8.
610.101–610.109 Amber Civil Airway No. 1–9.
610.201–610.296 Red Civil Airway No. 1–96.
610.601–610.675 Blue Civil Airway No. 1–75.
610.1001 Direct routes; Northeast United States.
610.1002 Direct routes; Southeast United States.
610.1003 Direct routes; Southwest United States.
610.1004 Direct routes; Northwest United States.

AUTHORITY: § 610.1 to § 610.1004 issued under sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007; as amended; 49 U. S. C. 551.

1. Section 610.1 shall consist of § 60.17–1 published on October 21, 1949, in 14 F. R. 6247, and amended on January 25, 1951, in 16 F. R. 672.

2. Section 610.2 shall consist of § 60.17–2 published on October 21, 1949, in 14 F. R. 6427, with "§ 610.3 through § 610.1004" substituted for "§ 60.17–3 through § 60.17–1004."

3. Section 610.3 shall consist of § 60.17–3 published on January 12, 1950, in 15 F. R. 149, (altered January 27, 1950, in 15 F. R. 461) and amended on January 25, 1951, in 16 F. R. 672, with "§ 610.11 through § 610.1004" substituted for "§ 60.17–11 through § 60.17–1004."

4. Sections 610.11 through 610.18 shall consist of §§ 60.17–11 through 60.17–18 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461) and amended on March 16, 1950, in 15 F. R. 1482, on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3252, on July 29, 1950, in 15 F. R. 4888, on August 1, 1950, in 15 F. R. 4913, on September 23, 1950, in 15 F. R. 6438, on November 22, 1950, in 15 F. R. 7975, on January 25, 1951, in 16 F. R. 673, on February 9, 1951, in 16 F. R. 1232, on February 21, 1951, in 16 F. R. 2720, on May 1, 1951, in 16 F. R. 3691, on June 13, 1951, in 16 F. R. 5614, and on June 29, 1951, in 16 F. R. 6274.

5. Sections 610.101 through 610.109 shall consist of §§ 60.17–101 through 60.17–109 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461) and amended on March 16, 1950, in 15 F. R. 1482, on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3253, on August 1, 1950, in 15 F. R. 4913, on September 23, 1950, in 15 F. R. 6438, on November 22, 1950, in 15 F. R. 7975, on January 25, 1951, in 16 F. R. 673, on February 9, 1951, in 16 F. R. 1232, on February 21, 1951, in 16 F. R. 1725 (corrected March 9, 1951, in 16 F. R. 2182), on March 29, 1951, in 16 F. R. 2720, on May 1, 1951, in 16 F. R. 3691, on June 13, 1951, in 16 F. R. 5614, and on June 29, 1951, in 16 F. R. 6274.

6. Sections 610.201 through 610.296 shall consist of §§ 60.17–201 through 60.17–296 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461), and amended on March 16, 1950, in 15 F. R. 1482, on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3253, on July 29, 1950, in 15 F. R. 4888, on August 1, 1950, in 15 F. R. 4913, on September 23, 1950, in 15 F. R. 6438, on November 22, 1950, in 15 F. R. 7975, on January 25, 1951, in 16 F. R. 673, on February 9, 1951, in 16 F. R. 1232, on February 21, 1951, in 16 F. R. 1725, on March 29, 1951, in 16 F. R. 2720, on May 1, 1951, in 16 F. R. 3691, on June 13, 1951, in 16 F. R. 5614, and on June 29, 1951, in 16 F. R. 6274.

7. Sections 610.601 through 610.675 shall consist of §§ 60.17–601 through 60.17–675 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950,

in 15 F. R. 461), and amended on March 16, 1950, in 15 F. R. 1482 (corrected March 21, 1950, in 15 F. R. 1565), on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3253, on August 1, 1950, in 15 F. R. 4914, on September 23, 1950, in 15 F. R. 6439, on November 22, 1950, in 15 F. R. 7975, on January 25, 1951, in 16 F. R. 674, on February 21, 1951, in 16 F. R. 1725, on March 29, 1951, in 16 F. R. 2720, on May 1, 1951, in 16 F. R. 3691, on June 13, 1951, in 16 F. R. 5615, and on June 29, 1951, in 16 F. R. 6275.

8. Section 610.1001 shall consist of § 60.17–1001 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461), and amended on March 16, 1950, in 15 F. R. 1483, on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3254, on August 1, 1950, in 15 F. R. 4914, on September 23, 1950, in 15 F. R. 6440, on November 22, 1950, in 15 F. R. 7976, on May 1, 1951, in 16 F. R. 3691, and on June 13, 1951, in 16 F. R. 5616.

9. Section 610.1002 shall consist of § 60.17–1002 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461), and amended on April 18, 1950, in 15 F. R. 2179, on May 27, 1950, in 15 F. R. 3254, on August 1, 1950, in 15 F. R. 4914, on September 23, 1950, in 15 F. R. 6440, on November 22, 1950, in 15 F. R. 7976, on January 25, 1951, in 16 F. R. 675, on February 9, 1951, in 16 F. R. 1233, on February 21, 1951, in 16 F. R. 1726, and on June 13, 1951, in 16 F. R. 5616.

10. Section 610.1003 shall consist of § 60.17–1003 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461), and amended on March 16, 1950, in 15 F. R. 1483, on May 27, 1950, in 15 F. R. 3255, on August 1, 1950, in 15 F. R. 4914, on November 22, 1950, in 15 F. R. 7976, on January 25, 1951, in 16 F. R. 675, on March 29, 1951, in 16 F. R. 2720, and on May 1, 1951, in 16 F. R. 3691.

11. Section 610.1004 shall consist of § 60.17–1004 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461).

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–8645; Filed, July 26, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supp. Reg. 46]

GCPR, SR 46—ADJUSTMENTS IN CEILING PRICES FOR CERTAIN QUANTITIES OF REFINED COPPER SOLD BY REFINERS WHO USE IMPORTED RAW MATERIALS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation to the General Ceiling Price Regulation is hereby issued.

Statement of considerations. This supplementary regulation increases the ceiling price which copper refiners may charge for certain quantities of refined copper.

Refiners and smelters in the United States ordinarily purchase from foreign sources copper bearing raw materials which they convert into refined copper. They also convert, on a service basis, similar imported materials owned by other persons. The imported raw materials purchased by these refiners are customarily paid for on the basis of the value of their recoverable copper content, measured in terms of the prevailing price for refined copper of foreign origin, less a treatment or conversion charge. The refiners thus do not profit from increases in the price of copper itself and ordinarily they protect themselves against loss from a reduction in such price by selling each month, at commensurate prices, a quantity of refined copper equivalent to the recoverable copper content of the imported raw materials they have purchased.

The ceiling price established under the General Ceiling Price Regulation for sales of refined copper by most domestic refiners is 24½ cents per pound and during the base period of that regulation (December 19, 1950 to January 25, 1951, inclusive) they were paying for their imported raw materials on substantially the same basis. As the result of an agreement between the United States and Chile, the price for refined copper of foreign origin increased about 3 cents per pound over the level which had prevailed during the base period and since May 21, 1951, domestic refiners of imported raw materials have been required by their contracts to pay prices reflecting this increase. Since there has been no change in domestic ceiling prices for refined copper they have not been able to recover the increase in costs which they have sustained.

It appears that the refiners cannot absorb this increase and if appropriate relief is not granted, substantial quantities of needed copper are likely to be diverted from the United States. Information submitted to the Office of Price Stabilization indicates that in 1950 approximately 330,000 tons of copper was recovered from imported raw materials, compared to domestic mine production of 940,000 tons, and that in the first three months of 1951 about 65,500 tons of copper was recovered from such materials. In view of the critical shortage of copper, it is obvious that the loss of this tonnage would have a serious adverse effect upon the defense program and the civilian economy.

In order to avoid any interruption in the flow of these vitally needed materials to the United States, this supplementary regulation permits domestic refiners who purchase imported copper bearing raw materials to sell, at a ceiling price of 27½ cents per pound for base grade, a quantity of refined copper equivalent to the recoverable copper content of such materials purchased since May 21, 1951, and for which they have made payment on the basis of the prices prevailing on and after May 21, 1951. The considerations which justify this action pertain as well to persons who sell refined copper which they have had processed from imported raw materials on a toll or conversion basis and this regulation also applies to their sales.

This regulation also requires persons to whom it applies to file appropriate reports to enable the Office of Price Stabilization to check the quantity of copper-bearing raw materials imported and the quantity of refined copper sold at the ceiling prices authorized herein.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950.

In formulating this regulation, the Director consulted with industry representatives to the extent practicable under existing circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. When the ceiling prices established herein may be charged.
3. Ceiling prices.
4. Definitions.
5. Reports.
6. Miscellaneous.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong., as amended. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* If you are a copper refiner who purchases imported raw materials, this supplementary regulation permits you to sell, at the ceiling prices established herein, a quantity of refined copper equivalent to the recoverable copper content of the imported raw materials which are delivered to you. This regulation also requires you to file certain reports with the Office of Price Stabilization.

SEC. 2 *When the ceiling prices established herein may be charged.* If you are a copper refiner who purchases and uses imported raw materials, you may sell at the applicable ceiling price established in this regulation, a quantity of refined copper equivalent to the recoverable copper content of imported raw materials purchased by you since May 21, 1951, and for which you made payment to the seller on the basis of prices prevailing on and after May 21, 1951.

SEC. 3 *Ceiling prices.* Your ceiling price for the quantity of refined copper specified in section 2 is the applicable price determined in accordance with the provisions of this section.

(a) *Connecticut Valley prices.* Your ceiling price for carload shipments of refined copper in the shape of wire bars or ingot bars delivered to Connecticut Valley points is the applicable price set forth in Table A.

TABLE A

Specification	Price (cents per pound)
Electrolytic, lake, or other fire refined copper made to meet A. S. T. M. Standard B5-27 for electrolytic copper	27.50
Casting copper made by fire refining to a standard of 99.5 percent pure including silver as copper	27.25

(b) *Other kinds, grades, shapes, or forms.* Your ceiling price for kinds, grades, shapes, or forms not listed in paragraph (a) of this section, is the applicable price set forth in that paragraph plus or minus the customary differential which you would have added to or subtracted from your Connecticut Valley price on December 31, 1950.

(c) *Deliveries to points other than Connecticut Valley points and for export.* Your ceiling price for deliveries to points other than Connecticut Valley points and for export, is the applicable price set forth in paragraph (a) or (b) of this section, plus or minus the customary delivery differential which you would have added to or subtracted from your Connecticut Valley price on December 31, 1950.

(d) *Shipments in less-than-carload quantities.* For shipments in less-than-carload quantities, your ceiling price, f. o. b. your refinery, is the applicable price set forth in Table A adjusted in accordance with paragraph (b) of this section.

SEC. 4. *Definitions.* When used in this regulation, the term:

(a) "Refined copper" means all copper metal refined by any process of electrolysis or fire refining to a grade or form suitable for fabrication.

(b) "Copper refiner" means any person who produces refined copper or for whom refined copper is produced by another person pursuant to a toll or conversion agreement.

(c) "Imported raw materials" means ores, concentrates, blister, and other copper-bearing materials (other than scrap) produced outside of the United States, its territories or possessions.

SEC. 5. *Reports.* If you are a copper refiner covered by this regulation, you must file the following reports with the Office of Price Stabilization, Washington 25, D. C.

(a) On or before August 15, 1951, you must file a report showing:

(1) Your name and address;

(2) The kind and quantity of imported raw material purchased by you between May 21, 1951 and July 31, 1951, broken down on the basis of country of origin, and for which you made payment to the seller on the basis of prices prevailing on and after May 21, 1951;

(3) The location of the plant at which such material was received; and

(4) The quantity of refined copper, if any, shipped by you from each of your refineries on or before July 31, 1951, for which you charged a price determined in accordance with the provisions of this regulation.

(b) Within 15 days after the end of each calendar month beginning with August 1951 you must file a report on a Form provided by the Office of Price Stabilization showing:

(1) Your name and address;

(2) The recoverable copper content of each kind of imported raw material purchased by you, broken down by country of origin;

(3) The location of the refinery at which such material was received; and

(4) The quantity of refined copper shipped by you from each of your refineries during the month and for which you charged a price determined in accordance with the provisions of this regulation.

SEC. 6. *Miscellaneous.* Any person subject to this supplementary regulation shall be subject to all provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions of this regulation, including but not limited to, the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of his ceiling prices.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective July 25, 1951.

NOTE: All record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8698; Filed, July 25, 1951; 4:19 p. m.]

[Ceiling Price Regulation 13, Supplementary Regulation 1]

CPR 13—RETAIL CEILINGS ON PETROLEUM PRODUCTS

SR 1—RETAIL MARGINS ON GASOLINE IN THE COUNTIES OF ORANGE AND LOS ANGELES, CALIFORNIA

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 13 (16 F. R. 2626) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 13, provides a special pricing method for retail sellers of motor gasoline in Los Angeles and Orange Counties of California. These two counties produce 36 per cent of the crude oil supply of the Pacific Coast, have approximately 25 refineries representing 59 per cent of the five Western states' refining capacity, and distribute gasoline through over 9,500 retail service station outlets. The gasoline sold by them supplies about 3.5 to 4 per cent of the total United States gasoline demand, and fully 35 per cent of the demand for this product in the Pacific Coast states. The magnitude of this operation indicates that any interruption in the flow of gasoline from refineries to the motoring public through the medium of retail establishments could be damaging to the defense effort.

The coincident inauguration of price control with the ending of a "price war" which had been in existence in this area resulted in the freezing at abnormally low levels of retail margins of a large segment of these retail establishments. It is the purpose of this supplementary regulation to restore to this segment its normal margin of 4½¢ per gallon on regular grade gasoline, with customary differentials for premium and third grade gasolines. This 4½¢ margin for regular grade gasoline has customarily existed in this area since 1948 and while it is available under present provisions of Ceiling Price Regulation 13 to the majority of retail establishments in this area, it is not uniform.

A survey of the area involved by the Retail Advisory Committee and the Regional Petroleum Consultant establishes that the customary differential between suppliers' tank truck prices or dealers' laid down cost and the retail price is 4½¢ per gallon on regular grade gasoline and 5¢ per gallon on premium grade. Information has been secured which shows that approximately 94 percent of the volume in this area customarily is sold at these margins. During the "price war" period, however, approximately 20 percent of the total retailers were obliged to sell at margins from 3 to 3½¢ per gallon.

Inasmuch as normal margins were not possible of attainment for this segment in the base period and the 4¢ margin provision available under section 8 (a) (1) is not equivalent to the normal margin, the Los Angeles dealers have petitioned to be relieved from the resultant margin squeeze. The requested margin of 4½¢ per gallon for regular grade gasoline compares with the average margin in the United States of 4.89¢ per gallon as reported by the June 6, 1951 issue of National Petroleum News, and compares with other margins on the Pacific Coast of 4.8¢ per gallon at San Francisco, 5¢ per gallon at Reno, 5.5¢ per gallon at Portland, and 5¢ per gallon at Spokane. Not only is this margin, therefore, consistent with margins in other areas of the United States, but it is reasonable as related to costs on the basis of information which was obtained and filed in connection with the survey made by the Office of Price Stabilization.

Although the survey of retail prices in these counties indicated a normal retail margin of 4½¢ per gallon on regular grade and 5¢ per gallon on premium grade gasoline, petitioners have asked for a spelled out margin only for regular grade gasoline while for premium grade they suggest following the wording of Ceiling Price Regulation 13. Specifically, they ask for 4½¢ per gallon to be added to the tank wagon price or laid down cost for regular grade gasoline, plus or minus the customary retail differential for premium and third grade gasoline.

It is alleged by the petitioners and supported by the evidence that adoption of the recommendation will have no significant effect upon the current retail price level at about 90 percent of the

sales outlets in the Los Angeles basin. The effect, however, upon sales of 6 to 10 percent of the volume will be to increase prices to the consumers to the extent of 1¢ to 1½¢ per gallon. It has also been alleged and supported by evidence that unless ceiling price relief of the type petitioned for is granted, this segment of sellers will disappear from the market. In recognition of the need to correct the price inequity and to restore the customary margin of this segment of sellers in this area, this supplementary regulation is issued.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Authority to change margins.
3. Miscellaneous.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply title IV, Pub. Law 774, 81st Cong., Executive Order 10161, September 9, 1950, F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation is applicable to persons engaged in selling automotive or marine gasoline from a retail establishment in the Counties of Orange and Los Angeles, California.

SEC. 2. *Authority to change margins.* Notwithstanding any provisions of Ceiling Price Regulation 13, if you are a seller of automotive or marine gasoline at a retail establishment you may, if you choose, fix a ceiling price for each grade of automotive or marine gasoline by adding to the tank wagon ceiling price for regular grade gasoline of your supplier 4½¢ per gallon plus or minus your customary retail differential for premium or third grade gasoline.

SEC. 3. *Miscellaneous.* (a) The sellers subject to this supplementary regulation shall be subject to all other provisions of Ceiling Price Regulation 13 which are not inconsistent with the provisions hereof.

(b) Notwithstanding any provision of Ceiling Price Regulation 13 which requires that once you have established your ceiling price you must continue using that ceiling price, you may, if you elect to determine your ceiling prices, under the provisions of section 2 of this supplementary regulation, change your ceiling price in accordance therewith; but having made such change and established a new ceiling price in accordance with the provisions of section 2 of this supplementary regulation you must continue to use this ceiling price unless a change in ceiling price is subsequently ordered by the Office of Price Stabilization.

Effective date. This Supplementary Regulation 1 to Ceiling Price Regulation 13 shall become effective on the 31st day of July, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8751; Filed, July 26, 1951; 11:17 a. m.]

[Ceiling Price Regulation 17, Supplementary Regulation 1]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM PRODUCTS

SR 1—SALES OF GASOLINE IN CERTAIN AREAS OF CALIFORNIA

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 17 (16 F. R. 2626) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 17 establishes dollars-and-cents prices for tank wagon and "rack" sales of automotive gasoline in the Los Angeles Basin area of the State of California. The prices normally charged by wholesalers of motor gasoline in this area for tank wagon sales have been at substantially uniform prices for several years antedating the issuance of Ceiling Price Regulation 17. Similarly, there is a substantial volume of automotive gasoline sold at the refineries or refinery facilities at a customary differential below the prevailing tank wagon price for the area involved. For convenience in terminology, this type of discount transaction is referred to as the sale of "rack gasoline" or "rack price gasoline." This gasoline is sold either f. o. b. the refinery with transportation provided by the ultimate consumer or buyer, or is sold on a delivered-at-destination basis which consists of the "rack price" plus customary transportation charges.

Examination of prices on "rack transactions" back to 1948 shows that the customary level has been from 2.0¢ to 2.7¢ per gallon below the prevailing tank wagon price in each area involved, and that the weighted average discount has been 2.5¢ per gallon off tank wagon. However, the retail price war which broke out in Los Angeles basin early in 1950 caused "rack prices" also to weaken, and the Office of Price Stabilization regulations froze these "rack prices" at 3¢ to 3½¢ below tank wagon ceiling prices. Thus the discounts on "rack prices," as frozen into the area price structure, are from ½¢ to 1.0¢ per gallon below the normal differentials.

It is the purpose of this supplementary regulation to restore the customary differential between the tank wagon price and the "rack price" in order to relieve the sellers who now have their ceilings frozen at abnormally low levels.

The ceiling price relief to be afforded by this supplementary regulation is essential to the maintenance of gasoline supplies through customary channels of distribution. With the depletion of gasoline inventories in late 1950 and early 1951 and the resultant tight supply situation on gasoline currently existing in the Pacific Coast, many re-sellers of gasoline are having extreme difficulty in securing their requirements of the product.

The customary pricing practice on the Pacific Coast is to relate prices for deliveries other than by tank wagon in terms of discounts or premiums over or under the tank wagon price. It is, therefore, essential to establish, coincident with the restoration of the normal differential for "rack" transactions, the prevailing tank wagon price in the area involved as the ceiling price. Evidence is on file to show that the posted tank wagon price of sellers in this area is the prevailing price and, because of the existence of uniform prices, the establishment of dollars and cents prices is facilitated. The tank wagon prices which are spelled out by this supplementary regulation were in effect in the latter part of 1950, and are regarded by the Pacific Coast Industry Advisory Committee as fair and equitable. Moreover, the establishment of dollars and cents ceiling prices for tank wagon deliveries is in accordance with the announced policy of this agency to establish specific ceiling prices, which situation is desirable from the standpoint of the consuming public, sellers, and the government.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the prices established by this supplementary regulation are at the minimum levels which will permit the continued supply of gasoline, are generally fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Definitions.
3. Ceiling prices for tank wagon deliveries in the Los Angeles basin.
4. Rack gasoline.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., Executive Order 10161. September 9, 1950, F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation sets specific prices for tank wagon sales of regular, automotive and marine gasoline in the Los Angeles basin area, and sets a specific 2.5¢ differential in sales of "rack gasoline."

SEC. 2. *Definitions.* When used in the supplementary regulation, the term "Los Angeles basin" means that area enclosed by a line beginning at the southerly limits of Laguna Beach, extending north to Irvine, thence northerly to base of Sierra Madre mountains at Altadena, thence along Foothill Boulevard to intersection of San Fernando Road and Foothill Boulevard, including the site of the New-

hall Refinery, thence southwesterly to north boundary of Malibu Beach and Pacific Ocean, thence southeasterly along shoreline of Pacific Ocean to point of commencement.

SEC. 3. *Ceiling prices for tank wagon deliveries in the Los Angeles basin.* (a) Ceiling prices for tank wagon deliveries in the Los Angeles basin area for regular grade gasoline are hereby established as follows:

CEILING PRICES PER GALLON

Quantity of gasoline per delivery:	*Cents*
40 to 199 gallons	21.0
200 to 399 gallons	20.5
400 and over gallons	20.0

(b) Premium grade gasoline in the aforementioned area shall be the price for regular grade gasoline as listed in paragraph (a) of this section, plus each seller's customary differential between regular and premium grade gasolines delivered by tank wagon.

(c) Third grade gasoline in the aforesaid area shall be the price for regular grade gasoline as listed in paragraph (a) of this section, minus each seller's customary differential between regular and third grade gasolines delivered by tank wagon.

SEC. 4. *Rack gasoline.* The ceiling price for regular grade gasoline f.o.b. refineries or refinery facilities to that class of purchaser buying "rack price gasoline" in the Los Angeles basin shall be 2.5¢ per gallon below the specified tank wagon ceiling price for quantities as established in section 3 of this regulation. For "delivery-at-destination" sales of rack price gasoline there may be added to the f.o.b. refineries ceiling prices established by this section the seller's customary transportation charge. For premium grades of gasoline, the seller's customary wholesale differential between regular and premium grades may be added. For third grade gasoline the seller's customary wholesale differential between regular and third grade gasoline shall be deducted.

Effective date. This supplementary regulation shall become effective on the 31st day of July, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8752; Filed, July 26, 1951; 11:17 a. m.]

[General Overriding Regulation 2, Amendment 2]

GOR 2—SALES TO THE UNITED STATES

OFFICE OF RUBBER RESERVE, RECONSTRUCTION FINANCE CORPORATION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 2, Amendment 2, is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 2 to General Overriding Regulation 2 establishes ceiling prices for certain sales to the Office of Rubber Reserve, Reconstruction Finance Corporation. Through its Office of Rubber Reserve, the Reconstruction Finance Corporation has since 1942 performed the functions of the Government with respect to the production and sale of synthetic rubber, the conduct of research and development related to synthetic rubber, and the repair, maintenance, and improvement of the Government-owned plants employed in such activities. The level of operations is currently established and designed to fulfill military and essential civilan needs. Such operations involve the production or purchase of numerous materials and services under various types of contracts from many operators, contractors, and suppliers, some of whom are engaged in other activities. The form of agreement generally used is a cost-plus-fixed-fee type of contract, in which the fee schedule for a particular type of service is essentially uniform throughout the synthetic rubber program conducted by the Office of Rubber Reserve, Reconstruction Finance Corporation. In other instances a fixed price or pricing formula method is used.

Prior to the issuance of the General Ceiling Price Regulation in January, the Office of Rubber Reserve, Reconstruction Finance Corporation, and its operators, contractors, and suppliers were engaged in negotiating new contracts which the Office of Rubber Reserve, Reconstruction Finance Corporation, had agreed in many cases should be retroactive to a date prior to the imposition of price control. However, because of the multitude of activities and parties involved, the complex nature of some of the agreements, and the necessity for substantial changes in certain arrangements, it was not practical or possible between the time Congress extended the Rubber Act on June 24, 1950, and the issuance of the General Ceiling Price Regulation on January 26, 1951, for the Office of Rubber Reserve, Reconstruction Finance Corporation, to make the necessary adjustments to existing contracts and to conclude all negotiations. Thus, when the General Ceiling Price Regulation was issued, some contracts had not been finally executed and were prevented from being put into effect. In order to accomplish the objectives of the synthetic rubber program, negotiations undertaken by the Office of Rubber Reserve, Reconstruction Finance Corporation, prior to and during the base period must be recognized and validated.

The Office of Rubber Reserve, Reconstruction Finance Corporation, has advised that at the time the present prices for GR–S and Butyl rubber were established in December 1950, it took into account, insofar as possible, the prices then in the process of being negotiated with its various contractors as well as certain anticipated increases in salaries and wages. It has also stated that in its opinion the ceiling prices established by this regulation, together with the exemptions granted under Ceiling Price Regulation 17, will not, in themselves, in the light of existing prices, regulations, and conditions, result in the necessity of further increasing the price of GR–S or Butyl rubber, inasmuch as the prices established by this regulation and known prices established under said Regulation 17 were contemplated when the present prices for GR–S and Butyl rubber were established. However, the Government's synthetic rubber program administered by the Office of Rubber Reserve, Reconstruction Finance Corporation, is essential to the national defense and must be conducted without loss to the Government, and this or any other regulation is not intended to prevent the filing of an application for an increase in the sales price of synthetic rubber sold by the Office of Rubber Reserve, Reconstruction Finance Corporation, in order to prevent any loss from the conduct of the program.

This regulation does not impose a ceiling price on any commodity or service which heretofore has been exempt from price control.

In the judgment of the Director of Price Stabilization, this action is necessary to achieve the objectives of the Defense Production Act of 1950 and will not have any material effect upon the cost of living or upon the general level of prices.

AMENDATORY PROVISIONS

1. Section 3 of General Overriding Regulation 3, entitled "Definitions" is hereby renumbered section 4.

2. A new section 3 is inserted reading as follows:

SEC. 3. *Sales to the Office of Rubber Reserve, Reconstruction Finance Corporation.* Unless and until a price regulation establishes, provides for, or permits a higher ceiling price:

(a) The ceiling price for the sale (including sales made prior to the date of this regulation) to the Office of Rubber Reserve, Reconstruction Finance Corporation, of any commodity or service covered by any of the following contracts shall be the price specified in such contract:

(1) Any cost-plus-fixed-fee contract executed prior to or during the base period, December 19, 1950, through January 25, 1951;

(2) Any cost-plus-fixed-fee contract which was in the process of negotiation during the base period, December 19, 1950, through January 25, 1951, provided such negotiations were completed prior to the date of this regulation and the fee schedule specified in such contract was established prior to or during such base period.

(b) The ceiling price for the sale (including sales made prior to the date of this regulation) to the Office of Rubber Reserve, Reconstruction Finance Corporation, of any commodity or service covered by any contract (other than a cost-plus-fixed-fee contract) which specifies a fixed price or a rate or pricing method negotiated prior to or during the base period December 19, 1950, through January 25, 1951, shall be the highest price payable under such contract with respect to deliveries made or services supplied during said base period.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This Amendment 2 to General Overriding Regulation 2 shall become effective July 31, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8753; Filed, July 26, 1951; 4:00 p. m.]

[Defense Food Order 2, Sub-Order 1, Amendment 1]

DFO 2—PROCESSED FRUITS AND VEGETABLES: SET ASIDE REQUIREMENTS

SO 1—CANNED VEGETABLES; SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this amendatory order are necessary and appropriate to promote the national defense; and it is, therefore, made effective pursuant to the Defense Production Act of 1950, as amended (Pub. Law 744, 81st Cong., approved September 8, 1950; Pub. Law 69, 82d Cong., approved June 30, 1951) and delegations of authority thereunder.[1] In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

The purpose of this amendment is to modify the percentages of the base packs of canned vegetables that are used in determining the quantities of such canned vegetables to be set aside and reserved out of 1951 packs, for requirements of Government agencies. These modifications are made necessary by (1) significant variation in the sizes of base packs reported by processors as compared with sizes estimated prior to the issuance of Sub-Order No. 1, (2) minor revisions in the requirements of Government agencies, and (3) shifts in requirements among the canned vegetables covered by the set-aside order.

These changes are accomplished by means of a revision of Column B of Table I; and for the purpose of ready reference, the entire table is set forth reflecting these revisions.

Defense Food Order 2, Sub-Order 1 (16 F. R. 3346) is hereby amended by revising Table I, set forth in section 4, *Table I—Canned vegetables: Set aside percentages and preferences with respect to style of pack, grade, and container sizes and types,* to read as follows:

"SEC. 4. *Table I—Canned vegetables: Set aside percentages and preferences with respect to style of pack, grade, and container sizes and types*

Canned vegetables	Percent of base pack	Style (sequence denotes preference unless otherwise specified)	Grade preference [1]		Preferred container sizes and types [2] (cans unless otherwise specified)
			First	Second	
A	B	C	D	E	F
Asparagus	12	1. Spears 2. Cut Spears.	U. S. Fancy	U. S. Std. Min. Score 80 Points [3]	2's.
Beans, Lima	20		U. S. Ext. Std.	U. S. Fancy	10's-2's.
Beans, green or wax [4]	10	Cut	U. S. Ext. Std. round type	U. S. Fancy round type	10's-2's.
Carrots	20	1. Sliced 2. Diced. 3. Cut.	U. S. Fancy	U. S. Std. Min. Score 80 Points [3]	10's-2's.
Corn, sweet	13	Whole Grain.[5]	U. S. Ext. Std.	U. S. Fancy	Whole Grain, 10's-2's, No. 2 Vacuum.
		Cream Style.[5]			Cream Style, 2's-No. 3 Tall.
Peas, green	13		U. S. Ext. Std.	U. S. Fancy	10's-2's.
Pumpkin	15		U. S. Fancy		2½'s.
Sweetpotatoes	34	1. Whole and pieces. 2. Whole.	U. S. Fancy	U. S. Std. Min. Score 80 Points	2½'s-No. 3 Vacuum.
Tomatoes	18		U. S. Ext. Std.[6] or U. S. Fancy [6]	U. S. Std. Min. Score 70 Points [6] [10]	10's-2½'s-2's.
Tomato catsup	16		U. S. Fancy 33 percent solids and over.[6]	U. S. Fancy except 29-33 percent solids.[6]	10's-14 oz. bottles, 2's.
Tomato paste	11		U. S. Fancy medium conc.[7]	U. S. Fancy light conc.[7]	10's-2½'s.

[1] Grades are those defined in applicable United States Standards.
[2] 75 percent of requirements are preferred in container sizes listed first.
[3] 75 percent of requirements are preferred in whole grain, and 25 percent cream style.
[4] First preference green beans.
[5] Type I as defined in Federal Specifications (JJJ-T-571a).
[6] Type I as defined in Federal Specifications (JJJ-C-91a).
[7] Type I as defined in Federal Specifications (JJJ-T-579).
[8] With not less than 31 points for tenderness.
[9] With not less than 24 points for texture.
[10] With not less than 13 points for drained weight, 21 points for color, and 19 points for absence of defects."

This order shall become effective upon publication in the FEDERAL REGISTER. With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 2, Sub-Order 1, prior to the effective time of the provisions hereof, all provisions of said Defense Food Order 2, Sub-Order 1, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 704, Pub. Law 744, 81st Cong.; Pub. Law 69, 82nd Cong.)

Done at Washington, D. C., this 24th day of July, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8765; Filed, July 26, 1951; 12:04 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

JAPAN

a. In § 127.55 *General information* amend paragraph (j) (1) by striking out "Japan" from the list of countries therein.

b. In § 127.286 *Japan* paragraph (c) is rescinded.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-8072; Filed, July 26, 1951; 8:45 a. m.]

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[1] Executive Order No. 10161 (15 F. R. 6105), Executive Order No. 10200 (16 F. R. 61), Defense Production Administration Delegation No. 1 (16 F. R. 738), and Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446, 3311, 3519).

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9954]

PART 7—COASTAL AND MARINE RELAY SERVICES

PART 8—SHIP SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of § 7.58 (c) of Part 7, and § 8.81 (c) of Part 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Service, respectively; Docket No. 9954.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of July 1951;

The Commission having under consideration its proposal to amend § 7.58 (c) of Part 7, and § 8.81 (c) of Part 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Service, respectively to make avail-

able additional locations at which frequencies in the 2–3.5 megacycle band may be used by coastal-harbor and ship radiotelephone stations (under certain specific conditions); and

It appearing, that proposed rule-making in this regard was published in the FEDERAL REGISTER on May 5, 1951 (16 F. R. 4139) and that the period in which interested persons were afforded an opportunity to submit comments has expired; and

It further appearing, that all comments received were generally favorable to the proposed amendment but that one comment recommended that the frequency 2572 kilocycles be made available for use by coastal-harbor stations at New Orleans, Louisiana as well as Mobile, Alabama, and a second comment recommended that certain additional frequencies in the 2–3.5 megacycle band, namely, 2009, 2366, 3242.5, and 3322.5 kilocycles, be made available for use by coastal-harbor stations located at Galveston, Texas, and New Orleans, Louisiana; and

It further appearing, that the public interest, convenience and necessity would not be served by making the frequency 2572 kilocycles available for assignment for use by a coastal-harbor station at New Orleans, Louisiana, because the use of this frequency by a coastal-harbor station at New Orleans, Louisiana, would cause harmful interference to the service of duly authorized United States government stations; and

It further appearing, that the frequencies 2009, 2366, 3242.5, and 3322.5 kilocycles are not, under the Commission's rules and regulations available for assignment for use by stations in the maritime mobile service as are the frequencies which are the subject of this rule-making proceeding; and

It further appearing, that on June 13, 1951, the Commission adopted a Report and Order in Docket 9797 which established revised versions of Parts 7 and 8 entitled Rules Governing Stations on Land in the Maritime Services, and Rules Governing Stations on Shipboard in the Maritime Services, respectively, effective July 23, 1951, and which repealed present Parts 7 and 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Service, respectively, effective July 23, 1951; and

It further appearing, that revised Parts 7 and 8 should be amended to reflect the changes herein ordered in present Parts 7 and 8; and

It further appearing, that public interest, convenience, and necessity will be served by the adoption of the amendments herein ordered and authority therefore is contained in sections 301 and 303 (c), (f), and (r) of the Communications Act of 1934, as amended; and

It further appearing, that the amendments to §§ 7.58 (c) and 8.81 (c) herein ordered may be made effective immediately since they relieve a restriction which would otherwise be applicable and permit the processing of certain applications now on file with the Commission;

It is ordered, That effective immediately, §§ 7.58 (c) and 8.81 (c) of the Commission's rules are amended as set forth in Appendix I, below;

It is further ordered, That effective July 23, 1951, §§ 7.306 (b) and 8.354 (a) (1) of Parts 7 and 8 of the Commission's rules governing Stations on Land in the Maritime Services, and Rules Governing Stations on Shipboard in the Maritime Services, respectively, which were adopted June 13, 1951, effective July 23, 1951, are amended as set forth in Appendix II, below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, 50 Stat. 191; 47 U. S. C. 303)

Released: July 20, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX I

Part 7, Rules Governing Coastal and Marine Relay Services, is amended in the following particulars:

Section 7.58 (c) is amended to read as follows with regard to the following frequencies:

(c) *To coastal-harbor stations.*

2506 [22e]	Boston, Mass. San Francisco, Calif. Eureka, Calif. Galveston, Tex.
2514	Miami, Fla. Great Lakes area.
2522 [22e]	Seattle, Wash. New York, N. Y. Tampa, Fla. (day only). Los Angeles or San Diego, Calif (day only).
2530	Galveston, Tex. Hawaiian Islands. San Juan, P. R.
2538 [22e 22d]	Norfolk, Va. Quantico, Va. San Francisco and Eureka, Calif. (day only).
2550 [22e]	Tampa, Fla. Great Lakes area. Boston, Mass. (day only).
2558 [22e]	Wilmington, Del. New York, N. Y. New Orleans, La. (day only).
2566 [22e]	Charleston, S. C. Jacksonville, Fla. Los Angeles, Calif. Seattle, Wash. (day only).
2572	Mobile, Ala.
2582	Great Lakes area. Hawaiian Islands.
2590 [22e]	New York, N. Y. Miami Beach, Fla. (day only).
2598 [22e 22e]	New Orleans, La. Portland, Oreg. Astoria, Oreg. San Diego and Los Angeles, Calif. (day only).

[22c] The use, when assigned, of the frequency 2506 kilocycles designated for use at Galveston, Texas, and the use, when assigned, of the frequencies designated for use on "day only" basis, is authorized only upon the condition that no harmful interference will be caused to any government station operating on the same or adjacent frequency; the frequencies 2522, 2538, 2566, and 2598 kilocycles, where designated for use on a "day only" basis, shall, when assigned, be used subject to interference by government stations.

[22d] The use of the frequency 2538 kilocycles at San Francisco and Eureka, California, shall be coordinated with the Naval Commandant of the 12th Naval District, prior to operation thereon.

[22e] The use of the frequency 2598 kilocycles at San Diego or Los Angeles, California, shall be coordinated with the Naval Commandant of the 11th Naval District, prior to operation thereon.

APPENDIX II

1. Part 7, Rules Governing Stations on Land in the Maritime Services, is amended in the following particulars:

Section 7.306 (b) is amended to read as follows with regard to the following frequencies:

2506 kc [8a]	Boston, Mass. San Francisco, Calif. Eureka, Calif. Galveston, Tex. — 2110 kc
2514 kc	Miami, Fla. Great Lakes area. — 2118 kc
2522 kc [8a]	Seattle, Wash. New York, N. Y. Tampa, Fla. (day only). Los Angeles or San Diego, Calif. (day only). — 2126 kc
2530 kc	Galveston, Tex. Hawaiian Islands. San Juan, P. R. — 2134 kc
2538 kc [8a 8b]	Norfolk, Va. Quantico, Va. San Francisco and Eureka, Calif. (day only). — 2142 kc
2550 kc [8a]	Tampa, Fla. Great Lakes area. Boston, Mass. (day only). — 2158 kc
2558 kc [8a]	Wilmington, Del. New York, N. Y. New Orleans, La. (day only). — 2166 kc
2566 kc [8a]	Charleston, S. C. Jacksonville, Fla. Los Angeles, Calif. Seattle, Wash. (day only). — 2174 kc
2572 kc	Mobile, Ala. — 2572 kc
2582 kc	Great Lakes area. — 2206 kc [8] Hawaiian Islands. — 2198 kc
2590 kc [8a]	New York, N. Y. Miami Beach, Fla. (day only). — 2198 kc
2598 kc [8a 8c]	New Orleans, La. Portland, Oreg. Astoria, Oreg. San Diego and Los Angeles, Calif. (day only). — 2206 kc

[8a] The use, when assigned, of the frequency 2506 kilocycles designated for use at Galveston, Texas, and the use, when assigned, of the frequencies designated for use on "day only" basis, is authorized only upon the condition that no harmful interference will be caused to any government stations operating on the same or adjacent frequency; the frequencies 2522, 2538, 2566, and 2598 kilocycles, where designated for use on a "day only" basis, shall, when assigned, be used subject to interference by government stations.

[8b] The use of the frequency 2538 kilocycles at San Francisco and Eureka, California, shall be coordinated with the Naval Commandant of the 12th Naval District, prior to operation thereon.

[8c] The use of the frequency 2598 kilocycles at San Diego or Los Angeles, California, shall be coordinated with the Naval Commandant of the 11th Naval District, prior to operation thereon.

2. Part 8, Rules Governing Stations on Shipboard in the Maritime Services, is amended in the following particulars:

Section 8.354 (a) (1) is amended to read as follows with regard to the following frequencies:

2110 kc [8a]	Boston, Mass. San Francisco, Calif. Eureka, Calif. Galveston, Tex. — 2506 kc
2118 kc	Miami, Fla. Great Lakes (U. S. and Canada). — 2514 kc
2126 kc [8a]	Seattle, Wash. New York, N. Y. Tampa, Fla. (day only). Los Angeles or San Diego, Calif. (day only). — 2522 kc
2134 kc	Galveston, Tex. Hawaiian Islands. San Juan, P. R. — 2530 kc
2142 kc [8a]	Norfolk, Va. Quantico, Va. [8] San Francisco and Eureka, Calif. (day only). — 2538 kc
2158 kc [8a]	Tampa, Fla. Great Lakes (U. S. only). Boston, Mass. (day only). — 2550 kc
2166 kc [8a]	Wilmington, Del. New York, N. Y. [8] New Orleans, La. (day only). — 2558 kc
2174 kc [8a]	Charleston, S. C. Jacksonville, Fla.? Los Angeles, Calif. Seattle, Wash. (day only). — 2566 kc
2198 kc [8a]	New York, N. Y. — 2590 kc Hawaiian Islands. — 2582 kc Miami Beach, Fla. (day only). — 2590 kc
2206 kc [8a]	New Orleans, La. Astoria, Oreg. Portland, Oreg. San Diego or Los Angeles, Calif. (day only). — 2598 kc
	Great Lakes (Canada only). — 2582 kc
2572 kc	Mobile, Ala. — 2572 kc

[8a] The use, when assigned, of the frequency 2110 kilocycles designated for communication with Galveston, Texas, and the use, when assigned, of the frequencies designated for use on a "day only" basis, is authorized only upon the condition that no harmful interference will be caused to any government station operating on the same or adjacent frequencies; the frequencies 2142, 2198, and 2206 kilocycles where designated for use on a "day only" basis, shall, when assigned, be used subject to interference by government stations.

[F. R. Doc. 51-8651; Filed, July 26, 1951; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Amdt. 12]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of July A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184) and good cause appearing therefor: *It is ordered*, That:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865, as amended, be and it is hereby further suspended until 7:00 a. m., September 1, 1951, only to the extent it applies on refrigerator cars.

It is further ordered, That this amendment shall become effective at 7:00 a. m., August 1, 1951, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8637; Filed, July 26, 1951; 8:47 a. m.]

[S. O. 873, Amdt. 1]

PART 95—CAR SERVICE

CONTROL OF TANK CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of July A. D. 1951.

Upon further consideration of the provisions of Service Order No. 873 (16 F. R. 1131), and good cause appearing therefor: *It is ordered*, That:

Section 95.873 Service Order No. 873, *Control of tank cars; appointment of agent* be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p. m., January 15, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 11:59 p. m., July 31, 1951, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8638; Filed, July 26, 1951; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 977]

HANDLING OF MILK IN THE PADUCAH, KENTUCKY, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Paducah, Kentucky on March 12 and 13, 1951, pursuant to notice thereof which was issued February 28, 1951 (16 F. R. 2041).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 12, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 16, 1951 (16 F. R. 5787).

Within the period reserved for exceptions a producer association and a handler filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. In some instances comment has been made below. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues, findings (including general findings), conclusions, and rulings of the recommended decision (16 F. R. 5787) are hereby approved and adopted as the issues, findings, conclusions and rulings of this decision as if set forth in full herein, subject to the following modifications:

1. Delete the first three sentences of the fourth paragraph beginning in column 3, 16 F. R. 5788, and substitute therefor the following: "4. The price for Class I milk should be the basic formula price plus $1.70 for the months of September through February, $1.20 for March and August, and 60 cents for the months of April through July. Differentials at present are $1.50 August through December, 90 cents January through March and 50 cents April through July. The proposed annual average differerential of $1.25 represents an increase of approximately $0.23 over a period of a year."

2. Add at the end of the second paragraph beginning in column 2, 16 F. R. 5689, the following: "In the exceptions it was contended that August should be included in the group of those months in the flush production period to which the lowest differential should be added to the basic formula price in determining the Class I price. It was further contended that the prices to producers during the flush production months should be at a level which would not encourage unneeded production during these months. It is concluded that the plan adopted will accomplish this objective in a more satisfactory manner than the plan suggested."

Determination of representative period. The month of May 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Paducah, Kentucky, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents

shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

Order[1] as Amended, Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area

AUTHORITY: §§ 977.0 to 977.101 issued under 48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 5 U. S. C. 133 y–16.

§ 977.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this subpart and of each the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held March 12 and 13, 1951, at Paducah, Kentucky, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 977.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 977.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 977.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 977.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 977.5 *Paducah, Kentucky, marketing area.* "Paducah, Kentucky, marketing area," called the "marketing area" in this subpart, means all the territory within McCracken County, Kentucky.

§ 977.6 *Pool plant.* "Pool plant" means:

(a) Any plant, which is approved by the Paducah-McCracken County Health Department, at which milk is received from producers, and from which Class I milk via delivery routes or plant stores is disposed of in the marketing area; or

(b) Any plant which is approved by such health department to furnish milk, skim milk, or cream to a plant described in paragraph (a) of this section for disposition as Class I milk in the marketing area, and at which milk is received from producers.

§ 977.7 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing, or bottling plant other than a pool plant.

§ 977.8 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who is certified by the Paducah-McCracken County Health Department for the production of milk which is permitted by such health authority to be sold as Grade "A" bottled milk in the marketing area, and which is:

(a) Received at a pool plant; or

(b) Diverted by a handler from a pool plant to a nonpool plant: *Provided,* That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 977.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association of producers, as defined in § 977.87 (b),

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

with respect to milk of producers diverted for the account of such association to any pool plant or nonpool plant; or

(c) An person in his capacity as operator of a nonpool plant from which Class I milk is disposed of in the marketing area via delivery routes or plant stores during the delivery period.

§ 977.10 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler but who receives no milk from other producers.

§ 977.11 *Other source milk.* "Other source milk" means all milk, skim milk, cream, or any milk product received at a pool plant, except:

(a) That received from producers;

(b) That received from a pool plant of another handler, other than a producer-handler; and

(c) Any nonfluid milk product received and disposed of in the same form.

§ 977.12 *Delivery period.* "Delivery period" means the calendar month, or the total portion thereof, during which the provisions of this subpart are effective.

MARKET ADMINISTRATOR

§ 977.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 977.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 977.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 977.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 977.87 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made the reports or payments required pursuant to §§ 977.30, 977.62, 977.80 and 977.82;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, report, on or before the 25th day after the end of each delivery period, to each cooperative association described in § 977.87 (b) the percentage of milk which was caused to be delivered by such association or by its members and which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(i) Verify all reports and payments required to be made by handlers pursuant to the provisions of this subpart;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this subpart;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 6th day after the end of such delivery period, the minimum class prices and the butterfat differential to handlers; and

(2) On or before the 10th day after the end of such delivery period, the uniform price and the butterfat differential to producers.

REPORTS, RECORDS, AND FACILITIES

§ 977.30 *Submission of reports.* Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 6th day after the end of each delivery period:

(1) The receipts, utilization, and butterfat tests of all milk, skim milk, cream, and milk products required to be classified pursuant to § 977.40.

(2) A statement of the disposition of Class I milk outside the marketing area (other than from delivery routes serving stops both within and without the marketing area);

(3) The name and address of each producer from whom milk is received for the first time, and the date on which such milk was first received; and

(4) The name and address of each producer who discontinues deliveries of milk, and the date on which the milk of such producer was last received.

(b) Within 20 days after the end of each delivery period, his producer pay roll, which shall show for such delivery period:

(1) Each producer's total delivery of milk with the average butterfat test thereof; and

(2) The net amount of the payment made to each producer with the price, deductions, and charges involved.

§ 977.31 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to: (a) Verify the receipts and disposition of all milk and milk products required to be reported and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; and (c) verify payments to producers.

§ 977.32 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 977.40 *Basis of classification.* The market administrator shall classify, on the basis of the classes set forth in § 977.41 and subject to the conditions of §§ 977.42, 977.43, and 977.44, all receipts within the delivery period by a handler (a) milk from producers (including his own farm production), (b) milk, skim milk, cream, and milk products from other handlers, and (c) other source milk; and all milk of producers diverted by a cooperative association.

§ 977.41 *Classes of utilization.* The classes of utilization shall be as follows:

(a) Class I milk shall be all milk, skim milk, and cream disposed of in fluid form as milk, buttermilk, milk drinks (whether plain or flavored), and cream; and all milk, skim milk, and cream not specifically accounted for as Class II milk.

(b) Class II milk shall be all milk, skim milk, and cream accounted for (1) as used to produce a product other than

those specified in Class I milk, (2) as actual plant shrinkage of milk received from producers, but not to exceed 2 percent of the total receipts of such milk, and (3) as actual plant shrinkage of other source milk: *Provided*, That if milk received from producers is used in the form of milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to the milk received from producers shall not exceed its pro rata share computed on the basis of the proportion of the volumes received from the various sources to their total.

§ 977.42 *Responsibility of handlers and reclassification of milk.* (a) All milk, skim milk, and cream received shall be Class I milk, unless the handler who first receives such milk, skim milk, or cream proves to the market administrator that such milk, skim milk, or cream should be classified otherwise.

(b) Any milk, skim milk, or cream classified in one class shall be reclassified if used or reused by such handler or by another handler in another class and the adjustments necessary to reflect the reclassified value of such milk, skim milk, or cream shall be made in the manner specified in § 977.84 with respect to errors in payment.

§ 977.43 *Transfers of milk, skim milk, and cream.* (a) Milk, skim milk, and cream disposed of, by transfer or diversion, by a handler from a pool plant to a pool plant of another handler shall be Class I milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of the delivery period within which such transaction occurred: *Provided*, That milk, skim milk, or cream so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 977.44 (b), and any excess of milk, skim milk, or cream shall be assigned to Class I milk.

(b) Milk, skim milk, and cream disposed of, by transfer or diversion, by a handler from a pool plant to a nonpool plant shall be Class I milk, unless (1) the handler claims another class on the basis of utilization mutually indicated in writing to the market administrator by both the operator of the nonpool plant and the handler on or before the 6th day after the end of the delivery period within which such transaction occurred, and (2) the operator of the nonpool plant maintains books and records showing the utilization of all milk and milk products at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of milk, skim milk, and cream in such indicated use, the remaining pounds shall be classified as Class I milk.

§ 977.44 *Allocation of milk classified.* The amount remaining in each class after making the following computations shall be the amount in such class allocated to milk received from producers:

(a) Subtract from the total pounds in Class II milk the pounds of actual plant shrinkage of milk received from producers which does not exceed 2 percent of the total receipts of such milk;

(b) Subtract from the pounds remaining in each class, in series beginning with Class II milk, the total pounds of other source milk received;

(c) Subtract from the pounds remaining in each class the total pounds of milk, skim milk, and cream received from pool plants of other handlers and assigned to such class pursuant to § 977.43 (a); and

(d) Add to the pounds remaining in Class II milk the pounds subtracted pursuant to paragraph (a) of this section; or if the pounds remaining in all classes exceeds the pounds of milk received from producers, subtract such excess from the pounds remaining in the various classes, in series beginning with Class II milk.

MINIMUM PRICES

§ 977.50 *Class prices.* Subject to the conditions of § 977.52, each handler shall pay producers, at the time and in the manner set forth in §§ 977.80 through 977.85 not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk, computed pursuant to § 977.44:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.70 for the delivery periods of September through February; $1.20 for the delivery periods of March and August; and 60 cents for the delivery periods of April through July.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the delivery period by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky, or the price computed pursuant to the following formula, whichever is the higher:

(1) Multiply by 4.0 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(2) Add 20 percent thereof; and

(3) Add 3½ cents for each full one-half cent that the price of nonfat dry milk solids by spray process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by spray process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for such price determination for the previous delivery period. In the event the carlot prices for such milk solids, f. o. b. manufacturing plant, are not so published, the average of the carlot prices for such milk solids delivered at Chicago, as published by the Department of Agriculture, shall be used, and the following shall be used in lieu of the computation provided for in this subpart: Add 3½ cents for each full one-half cent that the price of such nonfat dry milk solids delivered at Chicago is above 6½ cents per pound.

§ 977.51 *Basic formula price.* The basic formula price per hundredweight to be used in determining the price for Class I milk shall be the Class II price for the delivery period, or the price computed as follows, whichever is the higher:

To the average of the basic (or field) prices reported to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential determined pursuant to § 977.85 by 5.

§ 977.52 *Butterfat differential to handlers.* If any handler has received milk from producers during the delivery period containing more or less than 4.0 percent of butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 4.0 percent, an amount computed as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

APPLICATION OF PROVISIONS

§ 977.60 *Producer-handlers.* Sections 977.40 through 977.52 and §§ 977.61 through 977.87 shall not apply to a producer-handler, except that such producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 977.61 *Payment for excess milk or butterfat.* In the event that a handler, after subtracting receipts of other source milk and receipts of milk, skim milk, and cream from pool plants of other handlers, has disposed of milk or butterfat

in excess of the milk or butterfat which has been credited to producers as having been received from them, such handler shall pay to producers through the producer-settlement fund the value of such milk or butterfat determined as follows:

(a) Multiply any such excess volume subtracted from any class pursuant to § 977.44 (d) by the applicable class price, adjusted by the handler butterfat differential for each one-tenth of 1 percent that the computed butterfat content of such excess varies from 4.0 percent; and

(b) Multiply the pounds of any such excess butterfat, for which no excess was subtracted pursuant to § 977.44 (d), by 10 times the handler butterfat differential.

§ 977.62 *Handlers operating nonpool plants.* Sections 977.30, 977.50 through 977.52, 977.70, 977.71, 977.80 through 977.83 and 977.85 through 977.87 shall not apply to a handler in his capacity as the operator of a nonpool plant described in § 977.9 (c), except that such handler shall:

(a) On or before the 6th day after the end of each delivery period, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) On or before the 13th day after the end of each delivery period, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the manner described in § 977.9 (c) by the difference betwen the price of Class II milk and the price of Class I milk; and

(c) On or before the 20th day after the end of each delivery period, pay to the market administrator, as such handler's pro rata share of the expense of administration of this order, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II products disposed of during the delivery period in the marketing area in the manner described in § 977.9 (c).

§ 977.63 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another order or a marketing agreement issued pursuant to the act, the provisions of this subpart shall not apply except the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 977.70 *Computation of value for each handler.* For each delivery period, the market administrator shall compute the value of milk of producers received by each handler by multiplying the pounds in each class by the applicable class price adjusted by the handler butterfat differential, adding together the resulting class values, and adding to such sum the value of any excess milk or butterfat computed pursuant to § 977.61.

§ 977.71 *Computation of the uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of producer milk containing 4.0 percent of butterfat as follows:

(a) Combine into one total the values, computed pursuant to § 977.70, for all handlers who made the reports prescribed by § 977.30 for such delivery period, except those in default of payments required pursuant to § 977.82 for the preceding delivery period;

(b) Subtract, if the average butterfat content of all milk received from producers represented by the values included under paragraph (a) of this section is in excess of 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, the total value of the butterfat differential applicable pursuant to § 977.85;

(c) Add an amount representing the cash balance in the producer-settlement fund;

(d) Divide the resulting amount by the total hundredweight of milk received from producers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payment or delinquencies in payments by handlers.

PAYMENTS

§ 977.80 *Payments to producers*—(a) *Partial payment.* On or before the last day of each delivery period, each handler shall make payment to each producer, at not less than the applicable uniform price of the preceding delivery period, for the milk of such producer which was received by such handler during the first 15 days of the current delivery period: *Provided,* That such rate of payment to any producer who has discontinued delivery of milk during the delivery period, may be reduced by not more than 40 percent.

(b) *Final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer, for milk received from such producer during such delivery period, at not less than the uniform price per hundredweight, subject to the following adjustments: (1) The producer butterfat differential, (2) payment made pursuant to paragraph (a) of this section, (3) marketing service deductions, (4) deductions authorized by the producer, and (5) any error in calculating payment to such producer for the past delivery periods: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 977.83, he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 977.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 977.62, 977.82 and 977.84, and out of which he shall make all payments pursuant to §§ 977.83 and 977.84: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

§ 977.82 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the value of his milk, computed, pursuant to § 977.70, for such delivery period is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price adjusted by the producer butterfat differential.

§ 977.83 *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, any amount by which the total value of his milk, computed pursuant to § 977.70, for such delivery period is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price adjusted by the producer butterfat differential. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 977.84 *Adjustment of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 977.80, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

§ 977.85 *Butterfat differential to producers.* In making payments to each producer, pursuant to § 977.80 (b), each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent

of butterfat content above or below 4.0 percent in milk received from such producer, the amount as shown in the following schedule for the butter price range in which falls the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture, for the delivery period during which such milk was received:

Butter price range (cents):	*Butterfat differential (cents)*
17.499 or less	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 977.86 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 977.22 (d), each handler shall pay to the market administrator, on or before the 20th day after the end of each delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts at a pool plant, during the delivery period, of milk from producers (including such handler's own production) and other source milk other than sour cream used in the production of butter. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers diverted for the account of such association to a nonpool plant.

§ 977.87 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 977.80 (b), with respect to milk received from each producer (excluding such handler's own farm production), shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and, on or before the 20th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 977.80 (b), as are authorized by such producers, and on or before the 20th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 977.88 *Termination of obligations.* The provisions of this section shall apply to any obligations under this subpart for the payment of moneys irrespective of when such obligation arose, except an obligation involved in an action instituted before May 1, 1950, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 977.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 977.91 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this subpart, or any amendment to this subpart, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this subpart or any amendment to this subpart.

§ 977.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any persons (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 977.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except §§ 977.32, 977.88, and 977.91 through 977.93, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 977.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 977.101 *Separability of provisions.* If any provisions of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other per-

sons or circumstances shall not be affected thereby.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Paducah, Kentucky, Marketing Area; Determination That the Month of May 1951 Is a Representative Period; and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area) who, during the month of May 1951, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of May 1951 is hereby determined to be a representative period for the conduct of such referendum.

Foster R. Lewis is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 51-8677; Filed, July 26, 1951; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 9994]

ANNUAL REPORT FORM M, APPLICABLE TO CLASS A AND CLASS B TELEPHONE COMPANIES

NOTICE OF PROPOSED RULE MAKING

In the matter of Amendment of Annual Report Form M; applicable to Class A and Class B Telephone Companies, Docket No. 9994.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Annual Report Form M, applicable to Class A and Class B telephone companies, by substituting the instructions and schedules set forth in the appendix attached to this notice.[1]

3. Annual Report Form M is prescribed by § 1.544 (a) (2), and is required to be filed under the provisions of § 43.21, of the Commission's Rules and Regulations. Authority for the issuance of the proposed amendment is contained in sections 4 (i) and 219 of the Communications Act of 1934, as amended.

4. The proposed amendment comprises a complete revision of the report form, provides clarification and simplification of the requirements in a number of schedules in the present form, and eliminates some of the presently effective requirements. In some instances information not called for in the present form is required in the proposed amendment. With respect to such additional information it is proposed to include, in the order of adoption of the amendment, a provision that companies that have kept their records for the calendar year 1951 in a manner that would require unduly burdensome analysis or rearrangement to compile and report data not called for in the previous report form may, upon application to and approval by the Commission in the specific instance, annotate particular schedules or portions thereof in lieu of filing complete returns for the calendar year 1951 in such instances.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before August 24, 1951, a statement or brief setting forth his comments. At the same time persons favoring the amendment as proposed may file statements in support thereof. Statements or briefs in reply to the original comments may be filed on or before September 7, 1951. Before taking action in the matter the Commission will consider all such comments that are presented and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed, plus one extra copy for each party to the proceeding in the case of comments in reply to the original statements or briefs, shall be furnished to the Commission.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 219, 48 Stat. 1077; 47 U. S. C. 219)

Adopted: July 18, 1951.

Released: July 20, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8652; Filed, July 26, 1951; 8:49 a. m.]

[1] Filed as part of the original document.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 55177]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 23, 1951.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 32 N., R. 11 W.,
Sec. 25, N½SE¼, E½W½SW¼SE¼.
T. 37 N., R. 12 W.,
Secs. 16 and 32,
T. 13 N., R. 15 W.,
Sec. 21, W½, SW¼SE¼;
Sec. 27;
Sec. 33, NE¼, NE¼SE¼, W½, W½SE¼, SE¼SE¼;
Sec. 35, NW¼, W½NE¼, NE¼NE¼.

The areas described aggregate 3,290.00 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public gen-

erally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

[F. R. Doc. 51-8621; Filed, July 26, 1951; 8:45 a. m.]

[Misc. 60610]

WYOMING

RESTORATION ORDER NO. 1301 UNDER FEDERAL POWER ACT OF LAND RELEASED FROM RECLAMATION WITHDRAWAL

JULY 23, 1951.

Pursuant to the following-listed determination of the Federal Power Commission and in accordance with the authority contained in Departmental Order No. 2583 § 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

The order of the Acting Assistant Commissioner, Bureau of Reclamation, of April 12, 1951, concurred in on May 8, 1951, by the Assistant Director, Bureau of Land Management, having revoked the Departmental order of August 2, 1913, withdrawing certain lands in connection with the Shoshone Reclamation Project, so far as it affected the following-described public land, such land, so far as it is withdrawn or reserved for power purposes, is hereby opened to disposition under the applicable public-land laws, subject to valid existing rights and to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Dates and types of withdrawal	Land
DA-119 Wyoming.....	Power Site Reserve No. 348 of Mar. 27, 1913, as adjusted Feb. 4, 1943.	Sixth Principal Meridian, T. 52 N., R. 102 W., sec. 3, lot 11, containing 34.09 acres.

The above-described land is rough and mountainous barren land. It has no agricultural value and its use for grazing is negligible. It is primarily valuable for mineral development. It will not be subject to occupancy or disposition until it has been classified. It is unlikely that it will be classified as suitable for homestead, desert-land, or small-tract use.

This order shall become effective at 10:00 a. m. on the 35th day after the date hereof. At that time the said land shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for this land may be obtained on request from the Land and Survey Office at Cheyenne, Wyoming.

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

[F. R. Doc. 51-8622; Filed, July 26, 1951; 8:45 a. m.]

Office of the Secretary

[Order 2649]

DESIGNATION OF CHARLES R. ROBERTSON LIGNITE RESEARCH LABORATORY, BUREAU OF MINES

JULY 20, 1951.

The lignite research laboratory of the Bureau of Mines, Department of the Interior, at Grand Forks, North Dakota, constructed under authority of the act of March 25, 1948 (62 Stat. 85; 30 U. S. C., 1946 ed., Supp. III, sec. 401-404), is hereby designated as the Charles R. Robertson Lignite Research Laboratory (5 U. S. C. sec. 22).

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-8646; Filed, July 26, 1951; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the Regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Regulations Part 522. The effective and expiration dates, occupations, wage rates, number of proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Bear Manufacturing Co., Inc., 2301 Front Street, Meridian, Miss., effective 7/14/51 to 7/13/52; for normal labor turnover, 10 percent of the productive factory workers or 10 learners, whichever is greater (trousers, cotton, khaki).

Berry Dry Goods Co., 107-111 East Markham, Little Rock, Ark., effective 7/16/51 to 7/15/52; for normal labor turnover, 10 percent of the productive factory workers (pants, overalls, coveralls, work shirts).

Chetopa Manufacturing Co., Inc., Chetopa, Kans., effective 7/13/51 to 1/12/52; 25 learners for expansion purposes (men's work clothing, work pants, waistband overalls).

Edison Textiles, Inc., Edison, Ga., effective 7/13/51 to 1/12/52; 10 learners for expansion purposes only (panties, slips, nightgowns).

Hunter-Sadler Co., Tupelo, Miss., effective 7/16/51 to 7/15/52; for normal labor turnover 10 percent of the productive factory workers (men's, boys', juveniles' sport and dress shirts).

The Kahn Co., 3339½ Main Street, Parsons, Kans., effective 7/16/51 to 1/15/52; an additional 20 learners may be employed for expansion purposes only (pants, shirts, and sportswear).

MacLaren Sportswear Corp., Belton, S. C., effective 1/18/51 to 1/17/52; 25 learners for expansion purposes (sport shirts).

Pleasant Co., Mount Pleasant Mills, Snyder County, Pa., effective 7/16/51 to 7/15/52; for normal labor turnover, 10 percent of the productive factory workers, or five learners, whichever is greater (children's pajamas).

MeYere Shirt Co., 19½ Peachtree Street NE., Atlanta 3, Ga., effective 7/11/51 to 7/10/52; three learners may be employed for normal labor turnover purposes (tailor-made shirts, pajamas, shorts).

Rice-Stix Factory No. 20, Slater, Mo., effective 7/24/51 to 1/23/52; 20 learners for expansion purposes to be employed in the manufacture of men's and boys' sport shirts only (men's and boys' sport shirts).

The Solomon Co., Leeds, Ala., effective 7/18/51 to 1/17/52; 19 learners for expansion purposes only (single pants).

Streamline Garment Manufacturing Co., 316 South Thirty-second Street, Mattoon, Ill., effective 7/18/51 to 7/17/52; 10 percent of total productive factory force (dresses and sportswear).

Topps Manufacturing Co., Kewanna, Ind., effective 7/13/51 to 7/12/52; for normal labor turnover 10 percent of the productive factory workers or 10 learners, whichever is greater (coveralls, shirts, and pants).

Tru-Fit Trousers, Traverse City, Mich., effective 7/12/51 to 2/29/52; for normal labor turnover, 10 percent of the productive factory workers, or 10 learners, whichever is greater. Replacement certificate (pants, covervalls, work shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Hansen Hosiery Mills, Inc., 176 South Goldbrook Avenue, Chambersburg, Pa., effective 7/24/51 to 7/23/52; five learners for normal labor turnover.

Wrenn Hosiery Mills, Thomasville, N. C., effective 7/18/51 to 7/17/52; 5 percent of the total number of productive factory workers.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6388).

Tampa Glove Co., Tampa, Fla., effective 7/18/51 to 7/17/52; four learners.

Wells Lamont Corp., Mount Vernon, Tex., effective 7/19/51 to 1/18/52; 35 learners (new plant).

Wells Lamont Corp., Waynesboro, Miss., effective 7/16/51 to 1/15/52; 10 additional learners for expansion purposes.

Wells Lamont Corp., Waynesboro, Miss., effective 7/16/51 to 7/15/52; 10 learners.

Zwicker Knitting Mills, 410–418 North Richmond Street, Appleton, Wis., effective 7/11/51 to 1/10/52; 15 learners for expansion purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Carmi-Ainsbrooke Corp., Carmi, Ill., effective 7/12/51 to 7/11/52; 5 percent of the total number of productive factory workers.

Dutchess Underwear Corp., Old Forge, Pa., effective 7/12/51 to 7/11/52; 5 percent of the productive factory workers.

Dutchess Underwear Corp., Old Forge, Pa., effective 7/12/51 to 1/11/52; 25 learners for expansion purposes (supplemental certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Beede Electrical Instrument Co., Inc., West Canal Street, Penacook, N. H., effective 7/16/51 to 1/15/52; four learners; assemblers, including winding; 160 hours at 70 cents per hour (electrical indicating instruments).

Dust Proof Mattress Cover Co., Ellwood City, Pa., effective 7/31/51 to 1/30/52; five learners; sewing machine operators; 240 hours at 65 cents per hour (mattress cover).

Granite State Rubber Co., Willow Street, Berlin, N. H., effective 7/16/51 to 1/15/52; 10 learners; stitching machine operators; 480 hours; 65 cents per hour for first 240 hours and 70 cents per hour for remaining 240 hours (canvas footwear).

Grant County Manufacturing Co., Corinth Division, Corinth, Ky., effective 7/11/51 to 7/10/52; 10 percent of the total number of productive factory workers; machine stitchers, pressers, handsewers, finishing operations involving handsewing; 480 hours each; 60 cents per hour for first 320 hours and 65 cents per hour for remaining 160 hours (baseball uniforms, baseball caps, etc.).

Grant County Manufacturing Co., Williamstown Division, Williamstown, Ky., effective 7/11/51 to 7/10/52; 10 learners; handsewers; 480 hours; 60 cents per hour for first 320 hours and 65 cents per hour for remaining 160 hours (baseballs, soft balls).

Royal River Packing Corp., Yarmouth, Maine, effective 7/16/51 to 1/15/52; 10 percent of the total number of productive factory workers; sardine packers; 160 hours at 65 cents per hour (sardines).

Terri Lee, Inc., 2012 O Street, Lincoln 8, Nebr., effective 7/9/51 to 1/8/52; four learners for normal labor turnover; sewing machine operators; 240 hours at 60 cents per hour (dolls and doll clothing).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Faith Shoe Co., Inc., 25–43 Beckman Street, Wilkes-Barre, Pa., effective 7/16/51 to 7/15/52; 10 percent of the number of productive factory workers.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at Washington, D. C., this 17th day of July 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51–8623; Filed, July 26, 1951; 8:45 a. m.]

[Administrative Order 414]

AUTHORIZED REPRESENTATIVES OF THE ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO SPECIAL CERTIFICATES FOR EMPLOYMENT OF LEARNERS AND APPRENTICES

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby designate Verl E. Roberts, Robert G. Gronewald and Milton Brooke as my authorized representatives to grant or deny applications for, and to sign, issue and cancel, special certificates authorizing the employment of learners and apprentices at subminimum wages, and to take such other action as may be necessary or appropriate in connection therewith, pursuant to section 14 of the Fair Labor Standards Act of 1938 as amended, and Regulations Parts 520, 521 and 522, Title 29, Chapter V, Code of Federal Regulations. All previous designations are hereby revoked.

Signed at Washington, D. C., this 23d day of July 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour Division.

[F. R. Doc. 51–8624; Filed, July 26, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M–16]

PACIFIC-ATLANTIC STEAMSHIP CO.

NOTICE OF HEARING ON APPLICATION TO EXTEND BAREBOAT CHARTER OF GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS FOR EMPLOYMENT IN THE INTERCOASTAL TRADE

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on August 13, 1951, at 10 o'clock a. m., e. d. s. t., in Room 4823, Department of Commerce Building, before Examiner F. J. Horan, upon the application of Pacific-Atlantic Steamship Co. to extend the bareboat charter of the Government-owned, war-built, dry-cargo vessels Jeremiah S. Black, Linfield Victory, and Elmer A. Sperry for one additional round intercoastal voyage each.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered for additional voyages is required in the public interest and would not be adequately served without the use therein of such vessels, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence offered with respect to any restrictions or conditions that may under the statute be included in the charter if the application should be granted also will be received.

All persons having an interest in the application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days within which to file exceptions to, or memoranda in support of, the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted and whether briefs in connection therewith will be received.

Dated: July 19, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51–8678; Filed, July 26, 1951; 8:54 a. m.]

ELLERMAN LINES, LTD., ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7788–1, between Ellerman Lines, Limited, Ellerman & Bucknall Steamship Co., Limited, Hall Line, Limited, and The City Line, Limited, modifies the parties' joint service agreement (No. 7788) to provide that (1) Norton, Lilly & Company will represent the joint service in the United States, and (2) representatives in places other than the United States may be designated by the parties. Agreement 7788 presently provides, without geographical limitation, that the joint service will be represented by Norton, Lilly & Company.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 24, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51–8679; Filed, July 26, 1951; 8:54 a. m.]

National Production Authority

[NPA Delegation 2, as amended July 27, 1951]

ATOMIC ENERGY COMMISSION

DELEGATION OF AUTHORITY TO MAKE ALLOTMENTS OF CONTROLLED MATERIALS AND TO APPLY DO RATINGS AND ALLOTMENT NUMBERS

1. Pursuant to the Defense Production Act of 1950, Executive Orders 10161 and 10200, and Defense Production Administration Delegation 1, the Atomic Energy Commission is hereby delegated the authority (with power of redelegation) to make allotments of controlled materials and to apply DO ratings and allotment numbers and symbols, as the case may be, with respect to contracts and purchase orders to meet authorized programs for which the Atomic Energy Commission is claimant under Defense Production Administration Order No. 1.

2. The Atomic Energy Commission is also hereby delegated authority (with power of redelegation) to assign to the following persons, with respect to the orders indicated, the right to apply DO ratings and allotment numbers and symbols:

(a) Persons placing orders for materials, except construction equipment, to be delivered to or for the account of the Atomic Energy Commission to meet authorized programs;

(b) Certain prime and subcontractors on orders for delivery of construction equipment specifically required to support authorized construction programs of the Atomic Energy Commission where such equipment will be the property of the Atomic Energy Commission;

(c) Certain prime and subcontractors (other than suppliers of electric power service) on orders for delivery of materials, except construction equipment, required by the contractor (1) for use in the construction of a plant or addition thereto which, upon completion, will be operated exclusively or primarily for Atomic Energy Commission purposes, and (2) for use in the operation of any plant which is operated exclusively for Atomic Energy Commission purposes; and

(d) Any other persons (except suppliers of electric power service) for the delivery of construction materials and capital equipment, except construction equipment, where the Atomic Energy Commission has determined, in each case, that the delivery of such materials or equipment on schedule is necessary and provides the only reasonable and practical means to meet authorized programs of the Atomic Energy Commission, and that such persons are making maximum use of facilities otherwise available to meet Atomic Energy Commission requirements.

3. The authority herein delegated shall be exercised within the limits of such program determinations or other quantitative restrictions as may be established, and in accordance with such instructions, conditions, record-keeping and reporting requirements, and policy directives, as may be issued from time to time by the National Production Authority. The exercise of this authority shall also conform to the terms of the regulations and orders of the National Production Authority and to such priorities and allocations policy directives as may be issued by the Atomic Energy Commission to implement policies and procedures issued by the National Production Authority.

4. In making allotments of controlled material and in applying DO ratings and allotment numbers and symbols, as the case may be, the certification prescribed by the appropriate regulation or order of the National Production Authority shall be used. In assigning to others the right to exercise this authority, the following certification shall be used:

By authority of the National Production Authority, the right is hereby assigned to (description of scope of assignment).

This certification shall be authenticated with the signature of an authorized official of the Atomic Energy Commission or its delegate agency.

5. This authority shall not be used for material purchased from exclusively retail establishments except in emergency situations and then only for small amounts to prevent imminent stoppage.

This amended delegation shall take effect on July 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–8755; Filed, July 26, 1951; 11:29 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1744]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

JULY 23, 1951.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation, address, Houston, Texas, filed on July 13, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of an auxiliary pipeline crossing of the Mississippi River, approximately 4,700 feet in length, of 18-inch pipe to be located adjacent to Applicant's existing dual 24-inch crossings in Mississippi, in the vicinity of New Roads, Louisiana.

Applicant has constructed the proposed facilities to replace one of the 24-inch lines heretofore authorized which was lost as a result of flood conditions during March of 1950. Applicant is in process of replacing the lost line with 24-inch pipe, and proposes to retain in operation the 18-inch section of line which heretofore has been used as a repair or replacement line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–8625; Filed, July 26, 1951; 8:45 a. m.]

[Docket No. G–1747]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION

JULY 23, 1951.

Take notice that Atlantic Seaboard Corporation (Applicant), a Delaware corporation, address, Charleston, West Virginia, filed on July 16, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the delivery of natural gas to Pittsburgh and West Virginia Gas Company under Applicant's Rate Schedule X–8.

Applicant proposes to utilize the facilities of its affiliate, United Fuel Gas Company to make physical delivery of the gas to be delivered to Pittsburgh and West Virginia Gas Company. The gas will be delivered by United Fuel Gas Company

for Applicant's account and such delivery is contingent upon receipt by Applicant of volumes to be received by Applicant from Transcontinental Gas Pipe Line Corporation under an exchange agreement now in effect.

Applicant does not propose to install any additional facilities in order to make the proposed deliveries of natural gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8626; Filed, July 26, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9833]

CUSTER COUNTY BROADCASTING CO. (KCNI)

ORDER CONTINUING HEARING

In re application of Custer County Broadcasting Company (KCNI) Broken Bow, Nebraska, for construction permit; Docket No. 9833, File No. BP-7679.

The Commission having under consideration a motion filed July 16, 1951, by Custer County Broadcasting Company, requesting continuance for a period of thirty days of the hearing on its above-entitled application presently scheduled for July 23, 1951; and

It appearing, that on June 29, 1951, there was filed with the Commission by Grand Island Broadcasting Company an application (BP-8169) requesting facilities at Grand Island, Nebraska, on 1430 kc, 1 kw; that such application may well be competitive with the application herein; and that petitioner requires more time to acquaint itself fully with such application and such further issues as its filing may raise; and

It further appearing, that there is no other party to the proceeding; and the Commission counsel has informally consented to the waiver of § 1.745 of the Commission's rules to permit the early consideration and grant of the petition for continuance;

It is ordered, This 20th day of July 1951, that the petition be, and it is hereby, granted; and the hearing on the above-entitled application now scheduled for July 23, 1951, be, and it is hereby, continued to August 23, 1951, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8647; Filed, July 26, 1951; 8:49 a. m.]

[Docket Nos. 9882, 9883]

HOFFMAN ANSWERING SERVICE AND NEWTON Z. WOLPERT

ORDER SCHEDULING HEARING

In re applications of John B. Hoffman, d/b as Hoffman Answering Service, for construction permit, Docket No. 9882, File No. 149-C2-P-51; and Newton Z. Wolpert, for modification of license to change frequencies in the Domestic Public Land Mobile Radio Service at St. Paul, Minnesota, Docket No. 9883, File No. 420-C2-ML-51.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of July, 1951;

The Commission, having under consideration its order of January 17, 1951, designating the above applications for hearing without specifying a date therefor; and

It appearing, that it is now appropriate and desirable to fix a date for such hearing;

It is ordered, That the hearing in this proceeding shall be held at the offices of the Commission at Washington, D. C., beginning at 10:00 a. m. on the 10th day of September 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8648; Filed, July 26, 1951; 8:49 a. m.]

[Docket No. 10006]

BRIDGEPORT BROADCASTING CO. (WLIZ)

CORRECTED ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Bridgeport Broadcasting Company (WLIZ) Bridgeport, Connecticut, for construction permit; Docket No. 10006, File No. BP-7958.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1951;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station WLIZ at Bridgeport, Connecticut, to increase power to five kilowatts, change hours of operation to unlimited, install new transmitter and directional antenna system for both day and night use, and change transmitter location;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WLIZ, as proposed, that no interference would be caused to any existing or proposed station but that the application may otherwise not comply with the Standards of Good Engineering Practice; particularly with reference to coverage of the metropolitan district of Bridgeport, Connecticut, the areas and populations which may be expected to receive satisfactory nighttime service, the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class and the percentage of the population of the Bridgeport metropolitan district receiving adequate service residing within the 250 mv/m contour;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on August 13, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to coverage of the metropolitan district of Bridgeport, Connecticut, the areas and populations which may be expected to receive satisfactory nighttime service, the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class and the percentage of the population of the Bridgeport metropolitan district receiving adequate service residing within the 250 mv/m contour.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8650; Filed, July 26, 1951; 8:49 a. m.]

[Docket Nos. 10012, 10013]

WALDO W. PRIMM AND CAPITAL BROADCASTERS

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Waldo W. Primm, Sanford, North Carolina, Docket No. 10012, File No. BP-7937; B. H. Ingle, Sr., tr/as State Capital Broadcasters, Raleigh, North Carolina, Docket No. 10013, File No. BP-8145; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1951;

The Commission having under consideration the above-entitled applications of B. H. Ingle, Sr., tr/as State Capital Broadcasters requesting a construction permit for a new standard broadcast station to operate on 1290 kc, with 500 w. power, daytime only, at Raleigh, North Carolina, and Waldo W. Primm requesting a construction permit for a new standard broadcast station to operate on 1290 kc, with 1 kw power daytime only, at Sanford, North Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on August 27, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station at Raleigh, North Carolina and of Station WFVG, Fuquay Springs, North Carolina, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8649; Filed July 26, 1951; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[General Ceiling Price Regulation, Supplementary Regulation 5, Section 8, Special Order 3]

PACKARD MOTOR CAR CO.

RETAIL PRICE LISTS

Statement of considerations. The Director of Price Stabilization has recently established a wholesale ceiling price on a Packard Series 400 Formal Sedan for the Packard Motor Car Company, pursuant to section 4 (d) of Ceiling Price Regulation 1. Accordingly, by authority of section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation, and in conformity with the standards set forth therein, the Director has determined to establish a dollar and cents price for such model, which price shall be used by the seller in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 to the General Ceiling Price Regulation, to determine a retail ceiling price under section 3.

Special provisions. For the reasons set forth in the Statement of Considerations, and pursuant to section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation, this Special Order 3 is hereby issued:

1. The price for the Packard Series 400 automobile, converted into a formal sedan, with four tires established for use by retail sellers in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 to the General Ceiling Price Regulation shall be $4,735.35.

2. If the automobile is equipped with five tires, $27.70 may be added to the retail list price.

This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

This special order shall become effective July 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8737; Filed, July 26, 1951; 8:50 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 5, Section 8, Special Order 4]

CHRYSLER CORP.

RETAIL LIST PRICES

Statement of considerations. The National Production Authority on July 17, 1951, issued an amendment to its Order M-2 permitting automobile manufacturers to equip new automobiles with spare tires and tubes. The Director of Price Stabilization has recently established wholesale ceiling prices on the Chrysler V-8 line of passenger automobiles with a fifth tire and tube added as standard equipment, pursuant to section 4 (d) of Ceiling Price Regulation 1, inasmuch as the ceiling prices previously established were for automobiles with four tires and tubes. Accordingly, by authority of section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation, and in conformity with the standards set forth therein, the Director has determined to establish a dollar and cents price for these automobiles with spare tire and tubes, which prices shall be used by the seller in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 to the General Ceiling Price Regulation, to determine retail ceiling prices under section 3 thereof.

Special provisions. For the reasons set forth in the Statement of Consideration, and pursuant to section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation, this Special Order 4 is hereby issued:

1. The following prices for the V-8 line of automobiles shipped by the Chrysler Corporation on and after July 17, 1951, with five tires and tubes, are established for use of retail sellers in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 of the General Ceiling Price Regulation:

Chrysler Saratoga, C-55:	
6 passenger sedan	$2,763.58
Club coupe	2,773.93
8 passenger sedan	3,632.34
Limousine	3,936.59
Town and country wagon	3,382.58
Chrysler New Yorker, C-52:	
6 passenger sedan	2,933.12
Club coupe	2,907.13
Convertible coupe	3,401.09
Newport	3,293.47
Town and country wagon	3,496.88
Chrysler Imperial, C-54:	
6 passenger sedan	3,190.54
Club coupe	3,179.60
Convertible coupe	3,824.09
Newport	3,510.73
Chrysler Crown Imperial, C-53:	
8 passenger sedan	5,728.25
8 passenger limousine	5,830.77

2. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective July 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8738; Filed, July 26, 1951; 8:50 a. m.]

[General Overriding Regulation 10, Special Order 2]

J. STRICKLAND & CO., INC.

CEILING PRICES AT WHOLESALE AND RETAIL

Statement of considerations. This special order is issued pursuant to section 5 of General Overriding Regulation 10 to authorize ceiling prices for wholesalers and retailers based on the adjusted ceiling prices which the J. Strickland & Company, Inc., was authorized to charge by Letter Order No. L-1 under General Overriding Regulation 10. In the judgment of the Director of Office of Price Stabilization, adjustments in the ceiling price of resellers of Strickland's commodities is necessary and this order adjusts these prices to the extent so deemed necessary. It is also the opinion of the Director that the wholesale and retail ceiling prices established by this special order are not substantially higher than the level of ceiling prices otherwise established by regulations issued by the Office of Price Stabilization.

Section 6 below requires J. Strickland & Company, Inc. to send purchasers of its commodities a copy of this special order.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of General Overriding Regulation 10, this special order is hereby issued.

1. After the effective date of this special order, the ceiling prices for sales at wholesale of the following packaged cosmetic products of J. Strickland & Company, Inc., shall be the manufacturer's new ceiling prices listed below plus the percentage markup which the wholesaler had in effect on the same products of the J. Strickland & Company, Inc. during the base period December 19, 1950, to January 25, 1951.

Item	Style No.	Size	Manufacturer's new ceiling price
		Ounces	*Dozen*
White Rose Petroleum Jelly	4334	3¼	$0.72
Do	4336	5½	1.05
Kress Petroleum Jelly	4346	12	1.75
White Rose Petroleum Jelly	4347	12	1.75
Royal Rose Brilliantine	5457, 5460, 5462	2	.65
Royal Rose Hair Oil	5458, 5461	2	.65

2. In the case of the reduced size products listed in paragraph 3 of this order, the wholesaler's ceiling prices shall be the same as the wholesaler's ceiling prices on the old comparable larger size products.

3. After the effective date of this special order the ceiling prices for sales at retail of the following reduced size packaged cosmetic products of J. Strickland & Company, Inc. shall be as follows:

Item	Style No.	Old size	New size	Retail ceiling price
		Ounces	*Ounces*	
Royal Crown Hair Dressing	2101	3	2¼	$0.10
Do	2104	9	6¾	.25
Royal Crown Pomade	3212	1½	1¼	.10
Do	3217	4	3¼	.25
White Rose Hair Dressing	2106	4	3¼	.10
Kress Petroleum Jelly	4337	4	3¼	.10
White Rose Petroleum Jelly	4344	4	3¼	.10

4. This special order or any provision thereof may be revoked, suspended, or amended, by the Director of Price Stabilization at any time.

5. The ceiling prices established by this special order are applicable to sales by wholesalers and retailers of the products of J. Strickland & Company, Inc. in the 48 United States and in the District of Columbia.

6. Within 15 days of the effective date of this special order, J. Strickland & Company, Inc., shall send a copy of this special order to each wholesaler or retailer who purchased its products after the effective date of Order No. L–1. Copies shall also be sent by J. Strickland & Company to all other purchasers on or before the date of the first delivery of any such article after the effective date of this special order.

Effective date. This special order shall become effective July 27, 1951.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51–8739; Filed, July 26, 1951; 8:50 a. m.]

NOTICE TO PRODUCERS OF HIGH SPEED TOOL STEELS AND SPECIALTY STEELS CONTAINING TUNGSTEN

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.) as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this notice is issued.

Supplementary Regulation 42 to the General Ceiling Price Regulation, issued and effective July 19, 1951, established adjusted ceiling prices for certain products, including high speed tool steels and specialty steels containing tungsten. All producers of high speed tool steels and specialty steels containing tungsten who have signed the voluntary agreement relating to the stabilization of prices for iron and steel mill products (16 F. R. 555) are hereby notified in accordance with such agreement that on and after July 19, 1951, they may increase their prices for such steels to the ceiling prices established therefor in Supplementary Regulation 42 to the General Ceiling Price Regulation.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51–8754; Filed, July 26, 1951; 4:00 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26272]

RESIDUAL FUEL OIL FROM LOUISIANA TO ALABAMA AND MISSISSIPPI

APPLICATION FOR RELIEF

JULY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Residual fuel oil, in tank-car loads.

From: New Orleans-Baton Rouge, La., district.

To: Alabama City, Ala., Hattiesburg, Miss., and certain other points in Alabama and Mississippi.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 238.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTELL,
Secretary.

[F. R. Doc. 51–8633; Filed, July 26, 1951; 8:47 a. m.]

[4th Sec. Application 26273]

MOULDING SAND FROM TENNESSEE AND MISSISSIPPI TO HERRIN, ILL.

APPLICATION FOR RELIEF

JULY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Moulding sand, carloads.

From: Lexington, Tenn., and Tishomingo, Miss.

To: Herrin, Ill.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supp. 176.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the

application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8634; Filed, July 26, 1951; 8:47 a. m.]

[4th Sec. Application 26274]

SULPHURIC ACID FROM ALBANY, GA., TO ARMOUR, FLA.

APPLICATION FOR RELIEF

JULY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Albany and Northern Railway Company and Seaboard Air Line Railroad Company.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Albany, Ga.

To: Armour, Fla.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1200, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8635; Filed, July 26, 1951; 8:47 a. m.]

[4th Sec. Application 26275]

PAPER BAGS FROM BALDWIN, ARK., TO CERTAIN POINTS

APPLICATION FOR RELIEF

JULY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3945.

Commodities involved: Paper bags, carloads.

From: Baldwin, Ark.

To: Washington, D. C., Cincinnati, Ohio, and certain points in Virginia, Indiana, and Kentucky.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3945, Supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8636; Filed, July 26, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2669]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA GAS SYSTEM SERVICE CORP.

NOTICE REGARDING ISSUANCE AND SALE OF NOTES AND ACQUISITION OF SUCH NOTES BY PARENT COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of July A. D. 1951.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Columbia Gas System Service Corporation ("Columbia Service"), a wholly-owned subsidiary company of Columbia rendering services to associate companies in the Columbia holding company system, have filed a joint application-declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935. Sections 6, 7, 9, and 10 of the act and Rule U-43 promulgated thereunder have been designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which is summarized as follows:

Columbia Service proposes to issue and sell at par, $150,000 principal amount of 3¼ percent installment promissory notes and Columbia proposes to acquire such notes. The notes are to be registered and the principal amounts thereof are to be payable in 25 equal annual installments on February 15th of the years 1953 to 1977, inclusive. Interest on the unpaid principal amount thereof at the rate of 3¼ percent per annum is to be paid semi-annually on February 15th and August 15th. The application-declaration states that the proceeds to be derived from the proposed transactions will be used to reimburse Columbia in the amount of $100,000 representing non-interest bearing advances made by Columbia during 1950–51 and the remaining $50,000 will be used as additional working capital required in its operations.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 3, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 3, 1951, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8627; Filed, July 26, 1951; 8:46 a. m.]

[File No. 70-2645]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING PROPOSED ADVANCES ON OPEN ACCOUNT TO FIVE SUBSIDIARY COMPANIES BY PARENT COMPANY

In the matter of the Columbia Gas System, Inc., the Ohio Fuel Gas Company, United Fuel Gas Company, the Manufacturers Light and Heat Company, Central Kentucky Natural Gas Company, and Home Gas Company; File No. 70-2645.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of July A. D. 1951.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company and five of its gas utility subsidiary companies, namely, The Ohio Fuel Gas Company ("Ohio Fuel"), United Fuel

Gas Company ("United Fuel"), The Manufacturers Light and Heat Company ("Manufacturers"), Central Kentucky Natural Gas Company ("Central Kentucky"), and Home Gas Company ("Home"), having filed a joint declaration with this Commission pursuant to the provisions of section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder regarding the following transactions:

Columbia proposes to advance varying amounts aggregating not in excess of $11,265,000 to its subsidiaries on open account during the year 1951 as follows:

Ohio Fuel	$4,300,000
United Fuel	3,900,000
Manufacturers	2,100,000
Central Kentucky	565,000
Home	400,000

Such advances would bear an interest rate of 2¾ percent per anum, which is stated to be the present commercial bank rate for such short term loans and the above-named five subsidiary companies propose to repay the advances in three equal installments on January 20, February 20, and March 20, 1952. It is stated that the proceeds will be used by the subsidiaries to finance purchased gas for their current inventories.

Said joint declaration having been filed June 4, 1951, and an amendment thereto having been filed on July 20, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said joint declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The declarants having represented that the only State Commission having jurisdiction over the proposed transactions or any part thereof is the Public Service Commission of West Virginia and that Commission having authorized the proposed advances to United Fuel, and the declarants having requested that the Commission's order herein with respect to said joint declaration become effective upon issuance; and

The Commission finding with respect to the joint declaration, as amended, that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration, as amended, be permitted to become effective, subject to the terms and conditions specified below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said joint declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-8628; Filed, July 26, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Bar Order 11]

ORDER FIXING BAR DATE FOR FILING CLAIMS IN RESPECT OF CERTAIN DEBTORS

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order 9788, January 2, 1952, is hereby fixed as the date after which the filing of claims shall be barred in respect of debtors, any of whose property was first vested in or transferred to the Attorney General between January 1, 1950, and June 30, 1950, inclusive.

Executed at Washington, D. C., this 23d day of July 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-8672; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18201]

BERTHA MAY

In re: Estate of Bertha May, deceased. File No. D-28-8217; E. T. Sec. 9268.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edmund Roessler, Kurt Roessler, Johanna Selig, Trude Riedel, Theodor Emil Pester, Ella Felber, and Robert Paul Pester, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Kurt Pester, deceased, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Arthur Pester, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Bertha May, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Public Administrator of New York County, New York, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the issue, names unknown, of Kurt Pester, deceased, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Arthur Pester, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-8655; Filed, July 26, 1951; 8:50 a. m.]

[Vesting Order 18202]

DYJCKERHOFF'S CEMENT HANDELMAATSCHAPPIJ N. V.

In re: Debt owing to Dyjckerhoff's Cement Handelmaatschappij N. V., also known as Dijckerhoff's Cement Handelmaatschappij N. V. and as Dykerhoff's Cement Handelmaatschappij N. V. F-28-25369-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dykerhoff Portland-Zementwerke A. G., the last known address of which is Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Dyjckerhoff's Cement Handelmaatschappij N. V., also known as Dijckerhoff's Cement Handelmaatschappij N. V. and as Dykerhoff's Cement Handelmaatschappij N. V., is a limited partnership organized under the laws of The Netherlands, whose principal place of business is located at Amsterdam, The Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit of or on behalf of the aforesaid Dykerhoff Portland-Zementwerke A. G., and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of the American Express Company,

65 Broadway, New York, New York, in the amount of $1,250, as of December 31, 1945, arising out of funds represented by American Express Company travelers checks purchased by D. Dijckerhoff, which travelers checks are presently in the custody of said American Express Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dyjckerhoff's Cement Handelmaatschappij N. V., also known as Dijckerhoff's Cement Handelmaatschappij N. V. and as Dykerhoff's Cement Handelmaatschappij N. V., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Dyjckerhoff's Cement Handelmaatschappij N. V., also known as Dijckerhoff's Cement Handelmaatschappij N. V. and as Dykerhoff's Cement Handelmaatschappij N. V., is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8656; Filed, July 26, 1951; 8:50 a. m.]

[Vesting Order 18203]

GERMAN CENTRAL BANK FOR AGRICULTURE

In re: Interest accounts owned by German Central Bank for Agriculture, also known as Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank. F-28-6037.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That German Central Bank for Agriculture, also known as Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank, the last known address of which is Wilhelmstrasse 67, Berlin W 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The National City Bank of New York, 55 Wall Street, New York City, New York, arising out of the interest accounts deposited prior to January 1, 1935, entitled as follows:

TITLE OF ACCOUNT

The National City Bank of New York, Trustee under Trust Indenture dated July 15, 1927 providing for Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank Farm Loan secured 6 percent Gold Sinking Fund Bonds due July 15, 1960.

The National City Bank of New York, Trustee under Trust Indenture dated as of September 15, 1925 providing for Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank First Lien 7 percent Gold Farm Loan Sinking Fund Bonds due September 15, 1950.

The National City Bank of New York, Trustee under Trust Indenture dated as of October 15, 1927 providing for Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank Farm Loan secured 6 percent Gold Sinking Fund Bonds second series of 1927 due October 15, 1960.

The National City Bank of New York, Trustee under Trust Indenture dated as of April 15, 1928 providing for Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank Farm Loan secured 6 percent Gold Sinking Fund Bonds, Series of 1928 due April 15, 1938.

maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, German Central Bank for Agriculture, also known as Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8657; Filed, July 26, 1951; 8:50 a. m.]

[Vesting Order 18204]

MINNA GLAHE

In re: Securities owned by Minna Glahe, also known as Minnie Pfarrherr Glahe. F-28-31521.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Glahe, also known as Minnie Pfarrherr Glahe, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty (20) shares of $100 par value 7 percent preferred stock of North Shore Gas Company, 209 Madison Street, Waukegan, Illinois, evidenced by a certificate numbered 11384 for 10 shares registered in the name of Minnie Glahe and certificates numbered 2669 and 4991 for 5 shares each, registered in the name of Minna Pfarrherr, together with all declared and unpaid dividends thereon and any and all rights under a Plan of Reorganization, including the right to exchange said certificates for 60 shares of common stock of $15 par value of the North Shore Gas Company and $50 in cash,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Minna Glahe, also known as Minnie Pfarrherr Glahe, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8658; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18205]

HARPEN MINING CORP.

In re: Interest account owned by Harpen Mining Corporation also known as Harpener Bergbau-Aktien-Gesellschaft. F-28-6287.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harpen Mining Corporation, also known as Harpener Bergbau-Aktien-Gesellschaft, the last known address of which is Dortmund, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Dortmund, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York City, New York, arising out of an interest account deposited prior to January 1, 1935, entitled Harpen Mining Corporation, also known as Harpener Bergbau-Aktien-Gesellschaft, maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Harpen Mining Corporation, also known as Harpener Bergbau-Aktien-Gesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8659; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18206]

ILSEDER STEEL CORP.

In re: Interest account owned by Ilseder Steel Corporation also known as Ilseder Hutte. F-28-4986.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilseder Steel Corporation, also known as Ilseder Hutte, the last known address of which is Piene, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Piene, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York City, New York, arising out of an interest account, entitled Ilseder Hutte Gold Mortgage 6 percent Bonds Series of 1928, due August 1, 1940, maintained at the aforesaid bank, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ilseder Steel Corporation, also known as Ilseder Hutter, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8660; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18207]

FUSA HARAMATSU

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Fusa Haramatsu, also known as F. Horomatsu, deceased. D-39-19318-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Fusa Haramatsu, also known as F. Horomatsu, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of the Seattle First National Bank, International Branch, 526 Jackson Street, Seattle, Washington, arising out of a Savings Account, Account No. 7959 entitled, H. Horomatsu, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $77.70 as of August 23, 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, personal representatives, heirs, next of kin, legatees and distributees of Fusa Haramatsu, also known as F. Horomatsu, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, lega-

tees and distributees of Fusa Haramatsu, also known as F. Horomatsu, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8661; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18208]

HIROSHI KATO AND INOSUKE NEGORO

In re: Debts owing to and bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Hiroshi Kato, deceased and Inosuke Negoro, deceased. D-39-19326; D-69-9133.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Hiroshi Kato, deceased and Inosuke Negoro, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $75.10 as of August 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by Two (2) United States Savings Bonds bearing the numbers L59388106E and L59388105E, each of $50.00 face value, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Hiroshi Kato, deceased, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows:

a. That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $43.02 as of August 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by Four (4) United States Savings Bonds bearing the numbers Q12223980E, Q13767379E, Q14908507E and Q11424122E, each of $25.00 face value, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Inosuke Negoro, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Hiroshi Kato, deceased and Inosuke Negoro, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8662; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18209]

TAKEKICHI KAWAMOTO

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Takekichi Kawamoto, deceased, Goruku Hirata, deceased and Isamu Fukushima, deceased. D-39-19320; D-39-19319; D-39-19321.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Takekichi Kawamoto, deceased, Goruku Hirata, deceased and Isamu Fukushima, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $196.80 as of August 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown", on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Takekichi Kawamoto, deceased, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $299.11 as of August, 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown", on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

personal representatives, heirs, next of kin, legatees and distributees of Goroku Hirata, deceased, the aforesaid nationals of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $107.46 as of August 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown", on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Isamu Fukushima, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Takekichi Kawamoto, deceased, Goroku Hirata, deceased, and Isamu Fukushima, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8663; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18210]

KAECHI MINAMIHATA

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Kaechi Minamihata, also known as Kaha Minami and as K. Minami, deceased. D-39-19322-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Kaechi Minamihata, also known as Kaha Minami and as K. Minami, deceased, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of the Miners and Merchants Bank, Ketchikan, Alaska, arising out of a savings account, Account No. 8640, entitled K. Minami maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $140.00 as of August 23, 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all right to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Kaechi Minamihata, also known as Kaha Minami and as K. Minami, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Kaechi Minamihata, also known as Kaha Minami and as K. Minami, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8664; Filed, July 26 1951; 8:51 a. m.]

[Vesting Order 18211]

E. NILSSON

In re: Securities owned by E. Nilsson, also known as Emil Nilsson. F-28-31528.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That E. Nilsson, also known as Emil Nilsson, whose last known address is Am Zoo 235, Düsseldorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of stock of Cities Service Company, 66 Wall Tower, New York City, evidenced by a certificate numbered VH 932339, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of preferred 4 percent non-cumulative stock of Kansas City Southern Railway Company, 114 West 11th Street, Kansas City, Missouri, evidenced by a certificate numbered B 42004, together with all declared and unpaid dividends thereon,

c. Ten (10) shares of stock of Tide Water Associated Oil Company, 17 Battery Place, New York, New York, evidenced by a certificate numbered BNCX 3338, together with all declared and unpaid dividends thereon,

d. Ten (10) shares of stock of American Water Works & Electric Co., Inc., 50 Broad Street, New York City, evidenced by a certificate numbered CO 159103, together with all declared and unpaid dividends thereon,

e. Ten (10) shares of stock of Shell Union Oil Corporation (now known as Shell Oil Company), 50 West 50th Street, New York City, evidenced by a certificate numbered NYO 6759, together with all declared and unpaid dividends thereon,

f. Twenty (20) shares of stock of Gillette Safety Razor Company, 15 West First Street, Boston, Massachusetts, being a part of 100 shares evidenced by certificate numbered 73729, together with all declared and unpaid dividends on said 20 shares, and

g. Ten (10) shares of ten dollar par value common stock of Mid-Continental Petroleum Corporation, Equitable Building, Buffalo, New York, being a part of 100 shares evidenced by certificate numbered N 5322, together with all declared and unpaid dividends on said ten shares,

subject, however, to the lien of N. B. Slavenburg's Bank, Rotterdam, The Netherlands, as pledgee of said securities, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8665; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18212]

GEORGE PFISTER

In re: Cash owned by the personal representatives, heirs, next of kin, legatees and distributees of George Pfister, also known as Georg Pfister, deceased. D-28-7285-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of George Pfister, also known as Georg Pfister, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Cash in the amount of $431.67 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts are Unknown", in the name of George Pfister, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of George Pfister, also known as Georg Pfister, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of George Pfister, also known as Georg Pfister, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8666; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18213]

SAXON PUBLIC WORKS, INC.

In re: Interest accounts owned by Saxon Public Works, Inc., also known as Aktiengesellschaft Sachsische Werke. F-28-5080.

Under the authority of the Trading With the Enemy Act, as amended Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saxon Public Works, Inc., also known as Aktiengesellschaft Sachsische Werke, the last known address of which is Dresden, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Dresden, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The National City Bank of New York, 55 Wall Street, New York City, New York, arising out of the interest accounts, entitled as follows:

TITLE OF ACCOUNT

The National City Bank of New York, Trustee under Mortgage & Trust Indenture, dated February 3, 1925, providing for Aktiengesellschaft Sachsische Werke 7 percent Guaranteed External Loan Gold Bonds, due February 1, 1945,

The National City Bank of New York, Trustee under Trust Agreement dated as of July 1, 1932, providing for Aktiengesellschaft Sachsische Werke 6 percent Guaranteed Gold Notes due July 15, 1937, extended to July 15, 1942, interest reduced to 2 percent.

The National City Bank of New York, Trustee under Mortgage and Trust Indenture dated May 1, 1926, providing for Aktiengeselischaft Sachsische Werke General and Refunding Mortgage Gold Bonds, 6½ percent, Series due 1951,

maintained at the aforesaid bank, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Saxon Public Works, Inc., also known as Aktiengesellschaft Sachsische Werke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8667; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18145, Amdt.]

NORDSTERM ALLGEMEINE VERSICHERUNGS A. G.

In re: Debts owing to Nordsterm Allgemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft.

Vesting Order 18145, dated July 9, 1951, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 (a) of the aforesaid Vesting Order 18145, the word and number "seventeen (17)" and substituting therefor the word and number "twenty-two (22)".

All other provisions of said Vesting Order 18145 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8671; Filed, July 26, 1951; 8:52 a. m.]